

**WARRANT FOR THE 2016
ANNUAL MEETING OF THE
HYANNIS FIRE DISTRICT**
The Commonwealth of Massachusetts

To: Verna R. LaFleur

Clerk of the Hyannis Fire District

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Hyannis Fire District who are qualified to vote to meet at the Hyannis Youth & Community Center, 141 Bassett Ave., Hyannis, Massachusetts, on Tuesday, May 17, 2016, between the hours of 3:00 P.M. and 8:00 P.M., then and there to bring in their votes for the following elective office.

Two (2) members of the Board of Commissioners for the term of Three (3) years.

and to meet subsequently at the Barnstable Middle School Cafeteria, 895 Falmouth Road, Hyannis Massachusetts, on Wednesday, May 18, 2016, at 7:00 P.M., and then and there to act on the following articles:

Article 1. To hear and to vote to accept the reports of the Treasurer, Chief Engineer, Board of Commissioners, and all other Fire District Officers and Committees, or to take any other action relative thereto. *(The Board of Commissioners recommends favorable action on all reports.)*

Article 2. To see if the District will vote to authorize the Board of Commissioners to enter into contracts for street lighting power and maintenance for the period July 1, 2016 through June 30, 2017, or to take any other action relative thereto. *(The Board of Commissioners recommends favorable action.)*

Article 3. To see if the District will vote to raise and appropriate the sum of \$80,000 for street lighting power and maintenance for the period July 1, 2016 through June 30, 2017, or to take any other action relative thereto. *(The Board of Commissioners recommends favorable action.)*

Article 4. To see if the District will vote to set the following salaries of elective and appointed District Officers for the fiscal year 2017 as follows: Board of Commissioners, \$3,800 each plus an additional \$500 for the Chairman of the Board of Commissioners; Clerk/Treasurer, \$64,943; Moderator, \$300; Assessors, \$50 each; and Tax Collector, \$2,200 or to take any other action relative thereto. *(The Board of Commissioners recommends favorable action.)*

Article 5. To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the following amounts for fiscal year 2017: \$651,800 for equipment for fires and rescues; \$10,000 for Interest on Anticipation Loans; \$87,093 for District Officers; \$8,433,823 for Incidental & Current Expenses; and \$1,039,004 for Retirement Fund Assessment, or to take any other action relative thereto. *(The Board of Commissioners recommends favorable action.)*

Article 6. To see if the District will vote to raise and appropriate \$40,000 to be set aside in a reserve fund for extraordinary or unforeseen expenditures, or to take any other action relative thereto. *(The Board of Commissioners recommends favorable action.)*

Article 7. To see if the District will vote to raise and appropriate the sum of \$26,813 to pay the Town of Barnstable for tax billing expenses for fiscal year 2017, or to take any other action relative thereto. *(The Board of Commissioners recommends favorable action.)*

Article 8. To see if the District will vote to raise and appropriate the sum of \$1,020,990 for the purpose of paying compensation to Permanent Personnel for overtime, who respond to fires, drills, and other duty, for the fiscal year 2017, or to take any other action relative thereto. *(The Board of Commissioners recommends favorable action.)*

Article 9. To see if the District will vote to raise and appropriate the sum of \$60,000 for the purpose of paying compensation to Training Officers for overtime for the fiscal year 2017, or to take any other action relative thereto.

(The Board of Commissioners recommends favorable action.)

Article 10. To see if the District will vote to authorize the Board of Commissioners to sell, or dispose of, in the best interest of the District, miscellaneous materials with a monetary value of less than \$500 per item, or to take any other action relative thereto.

(The Board of Commissioners recommends favorable action.)

Article 11. To see if the District will vote to raise and appropriate the sum of \$8,000 for the Indemnification Fund, or to take any other action relative thereto.

(The Board of Commissioners recommends favorable action.)

Article 12. To see if the District will vote to transfer and appropriate the sum of \$75,000 from the Ambulance Account for the Ambulance Billing Expense Account, or to take any other action relative thereto.

(The Board of Commissioners recommends favorable action.)

Article 13. To see if the District will raise and appropriate the sum of \$9,660 to be set aside in the Health Care Fund, or to take any other action relative thereto.

(The Board of Commissioners recommends favorable action.)

Article 14. To see if the District will raise and appropriate the sum of \$28,704 for the CMED Operation System for the period of July 1, 2016 through June 30, 2017, or to take any other action relative thereto.

(The Board of Commissioners recommends favorable action.)

Article 15. To see if the District will vote to authorize the Treasurer to enter into compensating balance agreements for fiscal year 2017 or to take any other action relative thereto.

(The Board of Commissioners recommends favorable action.)

Article 16. To see if the District will vote to transfer any sum from Free Cash in order to reduce the property tax for fiscal year 2017, or to take any other action relative thereto.

(The Board of Commissioners will make their recommendation at the meeting.)

Article 17. To see if the District will vote to raise and appropriate the sum of \$100,000 to the Stabilization Fund or take any other action relative thereto.

(The Board of Commissioners recommends favorable action.)

ARTICLES 18 – 27 - PROPOSED BY-LAW AMENDMENTS PROPOSED BY BY-LAW COMMITTEE

Article 18.

Preamble for Hyannis Fire District By-Laws

Justification for Proposed Change

The By-Law Committee believes that the inclusion of a Preamble in the By-Laws will help to clearly outline District functions and inform the District voters.

Approved Proposed Change: Insert a New Preamble for Hyannis Fire District By-Laws before Article 1

PREAMBLE: As authorized by the District's enabling legislation and by actions of the District through its registered voters at Annual and/or Special Meetings, the functions of the District include providing street lighting, fire-prevention services, extinguishment of fires, and emergency medical care, rescue and ambulance services within the District and to perform those additional services as may be authorized under general or special law and/or as authorized by the District voters. The District may also provide emergency aid in firefighting and medical care, and rescue and ambulance services outside the boundaries of the District according to the terms of any mutual aid agreement as approved by the Board of Commissioners or to take any other action

relative thereto.
(*The By-Law Committee recommends favorable action.*)

Article 19.

Elections [Article I Section 1]

Current Hyannis Fire District By-Laws [Article I Section 1]

ARTICLE I: ELECTIONS.

Section 1: The preparation and filing of nomination papers of candidates for District office shall require fifty (50) certified signatures of registered voters of the Hyannis Fire District. The Hyannis Fire District elections shall be held annually on the Tuesday prior to the third Wednesday in May. The election shall be held within the limits of the Hyannis Fire district in a manner in accordance with Chapter 41, Sections 113 to 119, inclusive, of the Massachusetts General Laws.

Justification for Proposed Change

The By-Law Committee believes that it is critically important to replace the current Article I Section 1 with an expanded and updated Section that complies with Massachusetts General Laws, provides clarity for the election rules in place, and will hopefully help avoid election issues that other communities have experienced.

Approved Proposed Change: Replace Article I Section 1 to read as follows:

ARTICLE I: ELECTIONS.

Section 1: The preparation and filing of nomination papers of candidates for District office shall require fifty (50) certified signatures of registered voters of the Hyannis Fire District. The Hyannis Fire District elections shall be held annually on the Tuesday prior to the third Wednesday in May.

(a) The election shall be held within the limits of the Hyannis Fire District in a manner in accordance with all of the Massachusetts General Laws pertaining to elections; and in a location as determined by the Board of Commissioners to be suitable to safely accommodate the number of potential District voters so participating.

(b) The District shall use Official ballots as defined in Massachusetts General Laws Chapter 50, Section 1. In District elections at which official ballots are used, nominations for District officers elected by ballot shall be made, ballots and other apparatus therefor provided, and elections of such officers conducted, in accordance with Massachusetts General Laws Chapters 41 and 50 to 56, inclusive, so far as applicable.

(c) Ballot Position: The order in which names of candidates appear on the ballot for each office shall be determined by a drawing by lot conducted by the District Clerk-Treasurer in the presence of such candidates or their representatives as may choose to attend such drawings.

(d) The District will make available guidelines and voter information to the voters upon request; in addition to the foregoing, such guidelines and voter information shall be posted at least sixty (60) days prior to the election in a publicly accessible format, as determined by the Board of Commissioners.

(e) Unless otherwise stated in the District By-Laws, the provisions of this Article I, Section 1, will apply to all District elections; or take any other action relative thereto.

(*The By-Law Committee recommends favorable action.*)

Article 20.

Residency Requirement for Commissioners (Article I Section 2)

Current Hyannis Fire District By-Laws

The current By-Laws do not contain an Article I Section 2.

Justification for Proposed Change

The District's enabling legislation (Chapter 313 of the Acts of 1984) and Massachusetts General Law (M.G.L. c. 41, s. 109) both contain residency requirements that apply to the District's Commissioners. To provide clarity for the District's election rules, the By-Law Committee believes that it is an excellent idea to also add this to the By-Laws.

Approved Proposed Change: Insert a new Article I Section 2 to read as follows:

ARTICLE I: ELECTIONS.

Section 2: In accordance with Section 1 of Chapter 313 of the Acts of 1984, each Commissioner shall be a registered voter of the Hyannis Fire District at the time of election and shall continue to be a resident thereof throughout his or her term; or take any other action relative thereto.

(The By-Law Committee recommends favorable action.)

Article 21.

Rules of Order (District Meetings)

Current Hyannis Fire District By-Laws

Research by the District Moderator and the By-Law Committee has determined that the current By-Laws do not contain any Rules of Order for District Meetings.

The current By-Laws do not have an Article II Section 5.

Justification for Proposed Change

The By-Laws do not currently list Rules of Order for use in District Meetings. *Town Meeting Time* has been utilized for years by the District Moderator to govern these meetings, and this proposal officially codifies what is already being used.

Approved Proposed Change: Create a new Article II: Annual and Special Meetings, Section 5.

ARTICLE II: ANNUAL AND SPECIAL MEETINGS.

Section 5: The Moderator shall preside at the Annual and all Special District meetings, using the most current version of Town Meeting Time: A Handbook of Parliamentary Law, as published by the Massachusetts Moderators Association, for rules governing procedure; or take any other action relative thereto.

(The By-Law Committee recommends favorable action.)

Article 22.

Job Descriptions (Article III Section 1(h))

Current Hyannis Fire District By-Laws [Article III Section 1(11)1

ARTICLE III: OFFICERS.

Section 1: The Board of Commissioners.

- (h)** The Board of Commissioners shall prepare, distribute and amend job descriptions and qualifications for all positions of the District. All new applicants shall submit to psychological testing.

Justification for Proposed Change

The By-Law Committee recommends this change to help prevent any conflicts that may arise between these By-Laws and any Collective Bargaining Agreement.

Approved Proposed Change: Replace Article III Section 1(h) to read as follows:

ARTICLE III: OFFICERS.

Section 1: The Board of Commissioners.

- (h)** The Board of Commissioners shall prepare, distribute, and amend job descriptions and qualifications for all positions of the District not listed in these By-Laws or any Collective Bargaining Agreement entered into by the District. All new applicants shall submit to physical, medical, and psychological testing.

Article 23.

Filling Commissioner Vacancies (Article III Section 1(i))

Current Hyannis Fire District By-Laws [Article III Section 1(i)1

ARTICLE III: OFFICERS.

Section I: The Board of Commissioners.

- (i)** Vacancies occurring on the Board of Commissioners due to incapacitation, resignation or death shall be filled by the remaining members of the Board for the balance of the unexpired term of the vacating commissioner.

Justification for Proposed Change

This proposed change would **give District Voters the opportunity to fill long-term vacancies on the Board** of Commissioners, instead of giving the Board of Commissioners the authority to fill all vacancies on the Board.

Approved Proposed Change: Replace Article III Section 1(i) to read as follows:

ARTICLE III: OFFICERS.

Section 1: The Board of Commissioners.

- (I) Vacancies occurring on the Board of Commissioners shall be filled as follows:
- (i) If a vacancy occurs on the Board of Commissioners with fifteen (15) months or less remaining on the unexpired term of the vacating commissioner, the remaining members of the Board of Commissioners shall, as soon as practical, appoint a replacement to fill the balance of the unexpired term.
 - (ii) For any vacancy that occurs on the Board of Commissioners with greater than fifteen (15) months remaining on the unexpired term of the vacating commissioner, the remaining members of the Board of Commissioners shall ensure that the unexpired term remains vacant for no longer than six (6) months. If determined to be feasible by the Board of Commissioners, the remainder of the unexpired term shall be filled by a special election within the Annual Election. Otherwise, the Board of Commissioners shall schedule a special election to be held as soon as practical to fill the vacancy for the balance of the unexpired term.
 - (iii) The provisions of these By-Laws governing elections shall, so far as they are apt, apply to said special election.
 - (iv) The provisions of this Article III, Section 1(i) of the By-Laws do not apply to the recall of elected district officials; or take any other action relative thereto.

(The By-Law Committee recommends favorable action.)

Article 24.

Rules of Order (Board of Commissioners Meetings)

Current Hyannis Fire District By-Laws

Research by the District Moderator and the By-Law Committee has determined that the current By-Laws do not contain any Rules of Order for Board of Commissioners meetings.

The current By-Laws do not have an Article III Section 1(n).

Justification for Proposed Change

The By-Laws do not currently list Rules of Order for use in Board of Commissioners meetings. *Robert's Rules of Order* has been recommended as the appropriate Rules of Order for use in Board of Commissioners meetings.

Approved Proposed Change: Create a new Article III: Officers, Section 10).

ARTICLE III: OFFICERS.

Section 1: The Board of Commissioners.

- (n) Robert's Rules of Order shall be used for rules governing procedure at meetings of the Board of Commissioners except to the extent directly in conflict with general or special law; or take any other action relative thereto.

(The By-Law Committee recommends favorable action.)

Article 25.

Recall of Elected Officials (Article VI (a))

Current Hyannis Fire District By-Laws [Article VI (a)1

ARTICLE VI: RECALL OF ELECTED DISTRICT OFFICIALS.

(a) PROCEDURE.

Upon receipt of petitions signed by ten (10%) percent of the total registered voters of the District, enrolled at the time of the last District election, seeking the recall of any elected District official, the District Clerk shall, within fourteen (14) days, set a date for a special recall election. Said election shall be held not sooner than forty-five (45) days and no later than sixty (60) days after the District Clerk-Treasurer has validated the petitions. The District Clerk-Treasurer shall be required to furnish appropriate petition forms for voters seeking the recall of an elected official. The petitioners shall set forth in specific terms the reasons why an official should be required to submit to recall. The petitioners shall have ninety (90) calendar days from the date the District Clerk-Treasurer furnishes the petition forms to obtain the requisite number of valid signatures. Candidates who seek to be elected in place of the individual who is the subject of the shall submit nomination papers signed by the same number of registered voters as required at an Annual District Election within ten (10) days of the call for the recall election.

Justification for Proposed Change

This change fixes the omission of a single word ("recall") in the text of Article VI (a).

Approved Proposed Change: Correct an omission in the last sentence of (Article VI (a) by adding the word "recall", so that it reads as follows:

ARTICLE VI: RECALL OF ELECTED DISTRICT OFFICIALS.

(a) PROCEDURE.

Upon receipt of petitions signed by ten (10%) percent of the total registered voters of the District, enrolled at the time of the last District election, seeking the recall of any elected District official, the District Clerk shall, within fourteen (14) days, set a date for a special recall election. Said election shall be held not sooner than forty-five (45) days and no later than sixty (60) days after the District Clerk-Treasurer has validated the petitions. The District Clerk-Treasurer shall be required to furnish appropriate petitions forms for voters seeking the recall of an elected official. The petitioners shall set forth in specific terms the reasons why an official should be required to submit to recall. The petitioners shall have ninety (90) calendar days from the date the District Clerk-Treasurer furnishes the petition forms to obtain the requisite number of valid signatures. Candidates who seek to be elected in place of the individual who is the subject of the recall shall submit nomination papers signed by the same number of registered voters as required at an Annual District Election within ten (10) days of the call for the recall election; or take any other action relative thereto.

(The By-Law Committee recommends favorable action.)

Article 26.

By-Law Committee [Article XII (a)]

Current Hyannis Fire District By-Laws [Article XII (a)1

ARTICLE XII: BY-LAWS.

(a) BY-LAW COMMITTEE.

There shall be a standing By-Law Committee appointed by the Moderator consisting of one

(1) member of the Board of Commissioners, the Fire Chief or his/her designee, one (1) permanent firefighter, and two (2) voters of the District. All members shall be appointed annually within thirty (30) days of the annual meeting. The By-Law Committee shall review and make recommendations as to possible revision of the District By-Laws. The By-Law Committee is to file a written report with the Board of Commissioners before each Annual Meeting. The Chairman of the board of Commissioners shall, within 45 days after the appointment of the By-Law Committee by the Moderator, set a date for the first meeting of the By-Law Committee. The By-Law Committee shall, at the first regular meeting after appointment by the Moderator, elect a Chairman and a Clerk.

Justification for Proposed Change

This proposed change adds detail to the responsibilities of the By-Law Committee and also requires that the Bylaw Committee work to ensure compliance with applicable Massachusetts General Laws.

Approved Proposed Change: Replace Article X11 (a) to read as follows:

ARTICLE XII: BY-LAWS.

(a) **BY-LAW COMMITTEE.**

There shall be a standing By-Law Committee appointed by the Moderator consisting of one (1) member of the Board of Commissioners, the Fire Chief or his/her designee, one (1) permanent firefighter, and two (2) voters of the District. All members shall be appointed annually within thirty (30) days of the Annual Meeting.

(i) The Chairman of the Board of Commissioners shall, within forty-five (45) days after the appointment of the By-Law Committee by the Moderator, set a date for the first meeting of the By-Law Committee. The By-Law Committee shall, at the first regular meeting after appointment by the Moderator, elect a Chairman and a Clerk.

(ii) The By-Law Committee shall perform a complete review of the District By-Laws, and make recommendations for possible revisions bringing the District up to current standards and practices and to comply with Massachusetts General Laws where applicable.

(iii) The By-Law Committee is to file a written report with the Board of Commissioners before each Annual Meeting; or take any other action relative thereto.

(The By-Law Committee recommends favorable action.)

Article 27.

Warrant Item to Pursue Term Limits

Current Hyannis Fire District By-Laws

The current By-Laws do not contain term limits, and, according to the District's legal counsel, term limits cannot be achieved through the District's By-Laws — they must be enacted through an act of the Massachusetts Legislature.

Justification for Proposed Change

The By-Law Committee and District Moderator received a lot of feedback from District voters asking for term limits to be considered. The By-Law Committee drafted a proposed By-Law change to offer the District the opportunity to vote on the issue. However, after reviewing the proposed change, the District's legal counsel informed the By-Law Committee that term limits for the District can only be achieved through special legislation approved by the Massachusetts Legislature. So, as drafted by the legal counsel, the By-Law Committee is presenting a warrant item that, if approved, will authorize the Board of Commissioners to petition the Massachusetts Legislature to enact District term limits. The text of that warrant item is below:

To see if the District will vote to authorize the Board of Commissioners to petition the General Court to enact legislation in substantially the following form, provided that the General Court may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of the petition.

AN ACT providing for term limits for persons seeking appointment or election to serve as members of the board of commissioners in the district known as the Hyannis Fire District.

Be it enacted in the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 1 of chapter 313 of the acts of 1984 is hereby amended by adding the following sentences after the first sentence:- No person shall be eligible to be elected or appointed to serve as a member of the board of commissioners if at any point during the term of office for which the person may be elected or appointed, the service of the person would exceed three (3) consecutive terms or nine (9) consecutive years on the board of commissioners. If a person was previously appointed to fill a vacancy on the board of commissioners, such time served will not be applied towards said nine (9) consecutive year term limit Any person that vacates the office of commissioner after having served three (3) consecutive terms or nine (9) consecutive years shall not be eligible to be elected or appointed to serve as a member of the board of commissioners until after the next election, or one (1) year, whichever occurs last.

SECTION 2. This act shall take effect upon its passage; or take any other action relative thereto. (The By-Law Committee recommends favorable action.)

Article 28. To transact any other business that may legally come before the meeting, or to take any other action relative thereto.

You are hereby directed to serve this Warrant by posting attested copies thereof in two (2) or more places in the District, and in all Towns served thereby, and by advertising in the newspaper published within the Town of Barnstable, fourteen (14) days at least, before the date of said meeting.

Given under our hands this 28 day of April 2016
BOARD OF COMMISSIONERS HYANNIS FIRE DISTRICT

Peter Cross, Chairman
Dennis S. Sullivan
Benjamin A. Perry, Jr.
Victor Skende, Clerk
Demetrius Atsalis, Vice Chairman

A True Copy, Attested
Verna R. LaFleur
Clerk

APPENDIX

Chap. 313. AN ACT RELATIVE TO THE ADMINISTRATION OF THE HYANNIS FIRE DISTRICT.

Be it enacted, etc., as follows:

SECTION 1. The execution and administration of all governmental operations in the Hyannis Fire District in the town of Barnstable shall be vested in a board of five commissioners, who shall be elected by the voters of the district by ballot to serve three-year terms so arranged that the term of office of at least one, but not more than two commissioners shall expire each year. The board shall appoint all other officers and employees of the district except the moderator, as hereinafter provided. The commissioners shall be registered voters of the district at the time of their election and shall continue to be residents thereof throughout their terms. Vacancies shall be filled by the remaining commissioners for the balance of the unexpired term of the vacating commissioner. The fire chief, who shall not be subject to chapter thirty-one of the General Laws, may, subject to the approval of the board, have all of the powers of fire chiefs, firewards, fire engineers, enginemen and hosemen, as provided under the General Laws, and may delegate the same to subordinates upon the approval of the board and shall do so on the board's direction. The board shall adopt, and may from time to time amend, an order describing in detail the powers, duties and functions of the fire chief.

The clerk-treasurer shall be appointed for a three-year term commencing at the end of the incumbent clerk-treasurer's term in May, nineteen hundred and eighty-six. The clerk-treasurer shall not have tenure, shall have all other powers, duties and responsibilities which are given to him by the General Laws and shall post bond in an amount determined by the commissioners.

The fire chief shall be appointed for a three year term and shall not have tenure. The deputy fire chief shall be appointed for a three year term, said initial appointment to be made so that the deputy chief's term is not coterminous with the chief's and shall not have tenure.

The legislative powers of the district shall remain in the voters thereof, who shall meet, deliberate, act and vote in the exercise of their corporate capacity in the manner provided in the General Laws.

The district shall choose a moderator by any method authorized by the General Laws.

SECTION 2. The terms of office of the board to be elected under section one of this act shall be established at any annual or special district meeting held after the effective date of this act as follows: upon passage of this act, the two elected members of the board of engineers and the prudential committee shall merge and constitute the board of five commissioners described in said section one. Thereafter, as the term of office of the member of the prudential committee or board of engineers would have otherwise ended he shall stand for election as a member of the board of commissioners. Eligibility of candidates shall be established under the election laws.

SECTION 3. This act shall take effect upon its passage.

Approved December 6, 1984.