

BY-LAWS OF FIRE DISTRICT NO. 2

ARTICLE 1 - OFFICERS

SECTION 1. The officers of the District shall consist of a three member Prudential Committee, a three member Board of Water Commissioners, a Moderator.

SECTION 2. District officers shall be elected annually by ballot. All officers shall serve for a term of three (3) years with the exception of the Moderator who shall serve for a term of one (1) year.

a. Members of the Prudential Committee shall serve for three years, the term of one member to expire each year. One member shall serve as chairperson, one as clerk, one as member, by vote of then in office Prudential Committee. (adopted 05/04/2015)

b. Members of the Board of Water Commissioners shall serve for three years, the term of one member to expire each year. One member shall serve as chairperson, one as clerk, one as member.

SECTION 3. Any voter of the District shall be eligible for any office but no individual shall hold more than two offices concurrently.

SECTION 4. Officers shall receive such compensation for their services as the District may determine.

SECTION 5 The Prudential Committee, Water Commissioners, Fire Chief and Clerk/Treasurer, shall present at each annual District meeting a report of their activities since the last annual District meeting.

SECTION 6. The Treasurer shall be bonded at the expense of the District in such an amount and with such sureties as shall be set by the Massachusetts General Laws. He/She shall receive all funds belonging to the District and shall disburse the same as provided in Article III, Section 3.

SECTION 7. The Moderator shall preside at all District meetings.

SECTION 8. The Clerk shall keep accurate records of the proceedings of the District in formal meeting and shall be responsible for the conduct of all elections of the District.

SECTION 9. An audit of the District records shall be performed on an annual basis by an independent auditor.

SECTION 10. Any vacancy in any elected office shall be filled until the next Annual Election by a majority vote of the Prudential Committee and Water Commissioners then in office. In case of a tie vote, the Clerk of the District shall cast the deciding vote. A meeting to fill a vacancy shall be called by the Clerk of the District on notice in writing to each officer eligible to vote thereat at least seven days in advance of said meeting and he/she shall conduct a meeting so called.

SECTION 11. The Clerk/Treasurer of the District shall be an appointed position and said position or any vacancy therein shall be filled by a majority vote of the Prudential Committee then in office. (adopted 5/6/13)

ARTICLE II - MEETINGS

SECTION 1. The Annual Election of the District 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 By-Laws of the Town of South Hadley, as amended from time to time. The hours and location of voting for the Annual Election of the District 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. The provisions of Massachusetts general election laws, relative to fire district elections, MGL c41 s113 inclusive, shall apply to the elections of the District. The Annual Meeting of the District shall be held on the first Monday in May in each year.

(Adopted 5/6/2019)

SECTION 2. Special meetings shall be called by a majority of the Prudential Committee or when requested by the Water Commissioners or as specified in Article II, Section 3.

SECTION 3. Every District Meeting, except as otherwise provided by special law, shall be called in pursuance of a warrant under the hands of the Prudential Committee, notice of which shall be given fourteen days (14) at least, before such meeting. The warrant shall be directed to a constable of the towns of South Hadley and Granby, or to some other person, who shall forthwith give notice of such meeting by posting the warrant in three public places in the district.

The warrant for all District meetings shall state the time and place of holding the Meeting and the subjects to be acted upon thereat. The Prudential Committee shall be responsible for preparing all District meeting warrants and for the insertion of articles therein. The Prudential Committee shall also insert in the warrant for the Annual District Meeting articles requested by petition of no fewer than ten (10) registered voters of the towns, residing in the territory comprising the District and submitted to the Prudential Committee no later than thirty (30) days prior to the Annual District Meeting; and in the warrant for every Special District Meeting, articles requested by petition of no fewer than fifty registered voters or by ten percent of the total number of the registered voters of the towns, residing within the territory comprising the District, whichever number is the lesser, and submitted to the Prudential Committee no later than twenty one (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 Town Clerk, who shall forthwith check the names and certify which are registered voters. Only the names of certified voters shall be counted.

The Prudential Committee shall call a Special District Meeting upon request in writing of one hundred registered voters or twenty per cent of the total number of registered voters of the towns, residing within the territory comprising the District, whichever number is the lesser - such meeting to be held not later than thirty days after the receipt of such request, and shall insert in the warrant therefore all subjects the insertion of which shall be requested by said petition. No action shall be valid unless the subject matter thereof is contained in the warrant. The warrant for the special meeting shall be posted fourteen (14) days prior to the date of the Special Meeting. Two or more District Meetings for District purposes may be called by the same warrant.

The Prudential Committee shall publish the warrant for each District Meeting in print and on the town and/or District website, to be available to the public at least fourteen (14) days before the holding of such meeting. Said notice shall include by supplemental text, or otherwise, the amount of money intended by the sponsor to be included in any main motion to raise, appropriate, transfer or borrow, a sum of money at such meeting. Failure to cause publication of any intended money amount as provided herein shall not invalidate action taken at a District Meeting otherwise called and held in accordance with applicable law and these by-laws except for said failure. In

addition, a simple notice of the date, time, and place of the meeting shall be published in other than the legal notice section.

At every Meeting, a Moderator shall be chosen by ballot, unless the District has voted to elect a Moderator for a term as provided by Section Fourteen of Chapter Thirty-nine of the Massachusetts General Laws (MGL). The Moderator shall have the same powers as the Moderator of the Town of South Hadley. (Adopted 5/7/2018)

SECTION 4. Forty voters shall constitute a quorum at any meeting of the District. Election of officers shall not be considered a meeting for the purposes of this section.

ARTICLE III - FINANCES

SECTION 1. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June next.

SECTION 2. District notes and bonds shall be issued by the Clerk/Treasurer only after authorized by the District. All such evidences of indebtedness shall be signed by the Clerk/Treasurer of the District and countersigned by the Prudential Committee.

SECTION 3. Funds of the District shall be disbursed by the Clerk/Treasurer only upon the written approval of a majority of the Prudential Committee and for bills incurred by the Water Department, upon the additional approval in writing of a majority of the Board of Water Commissioners.

ARTICLE IV - FIRE DEPARTMENT

SECTION 1. The Fire Department shall consist of a Fire Chief, Assistant Fire Chief(s), and as many firefighters as shall be deemed necessary to manage the fire department.

SECTION 2. The Prudential Committee shall appoint the Fire Chief, consistent with MGL Chapter 48, Section 42. The primary responsibility of the Fire Chief shall be administrative and supervisory work in directing life safety services in the protection of life and property inclusive of the prevention and extinguishing of fires, emergency medical services, public education and environmental services, serve as Hazardous Materials Coordinator, Right-to-Know Coordinator and other positions as needed by the Prudential Committee. The Fire Chief shall work under the policy direction of the Prudential Committee and under the rules and regulations of the Massachusetts General Laws, Chapter 48, Section 42, and other applicable laws, rules and regulations. The Fire Chief shall appoint the Assistant Fire Chief(s).

SECTION 3. The Chief shall appoint and may remove firefighters to fill vacancies in the department. The Fire Chief shall have general superintendence and care of all apparatus belonging to the District and used by the Fire Department as well as control over the officers and members of the Fire Department; and may make from time to time such rules and regulations for the government and discipline of the department and preservation of order in time of incident as he/she may think expedient.

SECTION 4. The Fire Chief shall have sole command at incidents over all members of the Department, including the Assistant Fire Chief(s), and over all other persons who may be present at incidents, and shall direct all measures for extinguishing fires, protection of property and preservation of order and observance of the law.

ARTICLE V - PRUDENTIAL COMMITTEE

SECTION 1. The Prudential Committee shall have the management and control of all property, real and personal, belonging to the District and used in the prevention and extinguishing of fires, subject, however, to such instructions, rules and regulations as the District may impose by its vote.

SECTION 2 It shall be the duty of the Prudential Committee to authorize the disposal of any equipment declared surplus by any department within the District.(original vote Feb. 2, 1951)

SECTION 3. All employees and officials of the District are subject to and must comply with the Policies and Procedures set forth by the District in its Policies and Procedures Handbook.

ARTICLE VI - WATER DEPARTMENT

SECTION 1. The Board of Water Commissioners shall have the care, custody, management and control of all property, real and personal, belonging to the District, except the property placed under the control of the Prudential Committee. The Board shall have authority to determine and establish from time to time equitable prices and rates for the use of water and make rules and regulations for the introduction and use of water.

ARTICLE VII - AMENDMENTS

SECTION 1. These By-Laws may be altered or amended at any District meeting, or new By-Laws may be adopted at any District meeting providing the notice thereof shall specify the change/changes to be submitted to the voters.

Revised: October 22, 2007

Revised: May 4, 2009

Amended: May 7, 2012

Amended: May 6, 2013

Amended: May 4, 2015

Amended: May 7, 2018

Amended: May 6, 2019