

SENATE, NO. 2343

AN ACT PROVIDING FOR THE ESTABLISHMENT OF A STRONG FIRE CHIEF IN THE TOWN OF GEORGETOWN

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

1 SECTION 1. It is hereby recognized that the Erie Fire Association No. 4, Inc.,
2 incorporated in 1854, and the Central Fire Company of Georgetown, Massachusetts, Inc.
3 Company, have played a unique role in the history of the town of Georgetown,
4 Massachusetts, and that the Erie Fire Association No. 4, Inc. is the oldest privately owned
5 volunteer Fire Company in the United States of America. As such, the town seeks to
6 preserve the special relationship it has shared with said fire companies in the provision of
7 fire protection services to the town, and further, to preserve the historical significance
8 accorded to the Erie Fire Association No. 4. While the town seeks to centralize fire
9 protection services under the direction of a strong fire chief, it is further recognized that to
10 best leverage the limited financial and physical resources of the town, the continued
11 relationship of the town with the above-named fire companies will provide important
12 supplementary resources and support of the high level of fire protection services the people
13 of the town of Georgetown expect.
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15 Section 2. Notwithstanding the provisions of any general or special law to the contrary,
16 there is hereby established in the town of Georgetown a fire department which shall be
17 under the control of an officer to be known as the chief of the fire department. The chief
18 shall be appointed by the board of selectmen of said town, and shall receive such salary as
19 the board of selectmen may from time to time determine, not exceeding in the aggregate
20 the amount annually appropriated therefore. The fire chief may be removed for cause by
21 the selectmen at any time after a hearing.

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23 Section 3. The board of selectmen of said town of Georgetown may establish an
24 employment contract with the chief of the fire department for a period of up to three (3)
25 years in length for the salary, fringe benefits, and other conditions of employment,
26 including by not limited to, severance pay, relocation expenses, reimbursement for
27 expenses incurred in the performance of the duties or office of the Fire Chief, liability
28 insurance, conditions of discipline, termination, dismissal, performance standards and
29 leave, which contract shall be subject to annual appropriation. Said contract shall prevail
30 over any conflicting provision of any local personnel by-law, ordinance, rule or regulation.
31 In addition to the benefits provided municipal employees under chapters thirty-two and
32 thirty-two B of the general laws, said contract may provide for supplemental retirement
33 and insurance benefits. Nothing contained in the act shall grant tenure to the fire chief, nor
34 shall it abridge the provisions of section sixty-seven of chapter forty-four of the general
35 laws.

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37 Section 4. (a) Except as otherwise provided in section 4 (b) of the act, the fire chief shall
38 have the duties and responsibilities outlined herein. The fire chief shall have charge of

39 extinguishing fires in the town and the protection of life and property in case of fire. The
40 fire chief shall purchase subject to the approval of the board selectmen and keep in repair
41 all property and apparatus used for and by the fire department. The fire chief shall have
42 and exercise all the powers and discharge all the duties conferred or imposed by statute
43 upon engineers in towns expect as herein provided, and shall appoint one or more deputy
44 fire chiefs and such officers and firemen as the fire chief may think necessary and
45 appropriate, and may remove the same for cause at any time after a hearing. Firefighters so
46 appointed by the fire chief shall serve a probationary period of one year during which time
47 they shall actually perform the duties of a firefighter and may be removed at any time after
48 a hearing. All officers and firemen appointed by the fire chief shall be employees of the
49 town, subject to the authority of the fire chief and any rules and regulations adopted by the
50 fire chief for operation of the department and all applicable provisions of the general laws.
51 The fire chief shall have full and absolute authority in the administration of the department,
52 shall make all rules and regulations for its operation, shall report to the board of selectmen
53 from time to time as the board of selectmen may require, and shall annually report to the
54 town the condition of the department with the recommendations of the fire chief thereon.
55 The fire chief shall fix the compensation of the permanent full-time, permanent part-time,
56 and call members of the fire department subject to the approval of the board of selectmen.
57 The fire chief shall, in the expenditure of money, be subject to such further limitations as
58 the town may from time to time prescribe.

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60 (b) The board of selectmen, in consultation with the fire chief, is hereby authorized, at its
61 sole discretion, to enter into a contract or contracts with the Erie Fire Association No. 4,
62 Inc., and/or the Central Fire Company of Georgetown, Massachusetts, Incorporated, non-

63 profit corporations of fire protection apparel, equipment, and facilities. Execution of such
64 contract or contracts shall not required the approval of the town, and the provisions of
65 chapter 7, sections 38A1/2 through 38O, and chapters 30, 30B, and 149 of the general laws
66 shall not apply to said contract or contracts. The contract or contracts authorized herein
67 may address, but are not necessarily limited to, the following subjects: departmental use of
68 equipment owned by either fire company; proper maintenance of firefighting apparel,
69 equipment and facilities owned by either fire company indemnification of the town for use
70 of such apparel, facilities and equipment; minimum levels of insurance, including naming
71 the town of Georgetown as an additional insured; and payment of compensation to either
72 fire company for the use of firefighting apparel, equipment or facilities.

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74 Any contract between the town and the Erie Fire Association No. 4 or Central Fire
75 Company may be for a period of up to three (3) years; provided, however, that the board of
76 selectmen, at its discretion, may extend such contract or contracts, or negotiate a new
77 contract or contracts, for additional periods of up to three (3) years for each such period;
78 and provided further that the financial obligation of the town under any such contract or
79 contracts shall be subject to annual appropriation.

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81 Upon a majority vote of the entire board of selectmen, and with the approval of town
82 meeting, the town may permanently sever its relationship with either firefighting company
83 and terminate any contracts entered into pursuant to this act upon sixty (60) days written
84 notice of termination from the board of selectmen and the provisions of section 4(b) of this
85 act shall no longer be in effect with respect to the firefighting company to which such
86 notice was provided in accordance with this section; provided further, however, that failure

87 to enter into a contract, negotiate a new contract, or extend an existing contract for the
88 purposes authorized herein shall not be deemed to constitute permanent severance of the
89 relationship of the town with the fire companies as set forth in the preceding clause.

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91 Section 5. Pending the initial selection and appointment of an interim or permanent fire
92 chief by the board of selectmen under this act, the board of fire engineers shall continue to
93 serve in its current capacity, subject to all provisions of law applicable to such boards,
94 including but not limited to, applicable provisions of chapter 48 of the general laws. Upon
95 the appointment by the board of selectmen of an interim or permanent fire chief under the
96 provisions of this act, whichever occurs first, the terms of any incumbent member of the
97 board of fire engineers shall be terminated and the board of fire engineers shall thereupon
98 be dissolved. Any individual appointed as a firefighter by the board of fire engineers as of
99 the effective date of this act shall continue in office until the expiration of the term of
100 appointment of such firefighter, notwithstanding the dissolution of the board of fire
101 engineers. Appointments of firefighters shall thereafter be made in accordance with section
102 4(a) of this act.

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104 Section 6. This act shall take effect upon passage.