

**WARRANT FOR THE ANNUAL MEETING
OF THE
BARNSTABLE FIRE DISTRICT**

Barnstable. ss.

To: Charles W. Eager
Clerk of the District

17 APR '24 PM 1:11
BARNSTABLE TOWN CLERK

Greetings,

In the name of the Commonwealth of Massachusetts, you are hereby requested to notify the inhabitants of the Barnstable Fire District who are qualified to vote to meet at the Barnstable Fire Station, Route 6A, Barnstable, MA on Saturday, May 4th, 2024, from 8:30 a.m. to 11:30 a.m. and there to bring in their votes for the following elective offices:

- One member of the Board of Water Commissioners for a term of three years
- One member of the Prudential Committee for a term of three years

and to meet subsequently at the Barnstable County Offices, Old Jail Building, Mary Pat Flynn Conference Room, Barnstable County Complex, 3195 Main Street Barnstable, MA on Wednesday, May 8th, 2024, at 7:30 p.m. then and there to act on the following articles:

Article 1: To act on the reports of the officers as printed in the Annual Report.

Article 2: To see if the District will vote to raise and appropriate the sum of \$ 10,725.00 for salaries of elected officials as follows:

- Prudential Committee Chairman \$ 1,250.00
- Prudential Committee members (2) \$ 1,000.00
- Chairman, Water Commissioners \$ 1,250.00
- Board of Water Commissioner (2) \$ 1,000.00
- Clerk \$3,500.00
- Moderator \$ 125.00
- Treasurer/Collector (Town) \$ 600.00

or take any other action relative thereto; said funds to be expended by the Prudential Committee.

Article 3: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 279,975.00 for the operation of the Prudential Committee; said funds to be expended by the Prudential Committee acting by its employee, the Treasurer.

Article 4: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 669,450.92 for debt; said funds to be expended by the Prudential Committee acting by its employee, the Treasurer.

- Article 5: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 159,560.06, for interest and agency fees; said funds to be expended by the Prudential Committee acting by its employee, the Treasurer.
- Article 6: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 1,846,490.00 for the operation of the District or take any other action relative thereto; said funds to be expended by the Prudential Committee acting by its employee, the Treasurer.
- Article 7: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 979,475.72 for the operation of the Water Department; said funds to be expended by the Board of Water Commissioners.
- Article 8: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 3,303,905.89 for the operation of the Fire Department or take any other action relative thereto; said funds to be expended by the Fire Chief, with the approval of the Prudential Committee.
- Article 9: To see if the District will vote to raise and appropriate the sum of \$ 5,968.00 to pay the Town of Barnstable for tax billing expenses of Fiscal Year 2025; said funds to be expended by the Treasurer.
- Article 10: To see if the District will vote to raise and appropriate the sum of \$ 20,000.00 to cover the expenses of Ambulance Billing; said funds to be expended by the Treasurer.
- Article 11: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 90,000.00 for a 3/4 ton regular cab pickup truck with plow package and safety accessories, and to dispose of a 2014 Ford pickup truck in the best interest of the District. Said funds to be expended by the Board of Water Commissioners with the approval of the Prudential Committee.
- Article 12: To see if the District will vote to Raise and Appropriate, and/or transfer and appropriate from available funds the sum of \$ 100,000.00 to add funds to the Fire Department Future Staffing Stabilization Fund.

Article 13: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 100,000.00 for a pilot study required by the Department of Environmental Protection for the removal of iron and manganese from well numbers 3 and 4 for the Water Department. Said funds to be expended by the Board of Water Commissioners with the approval of the Prudential Committee.

Article 14: To see if the District will vote to raise and appropriate, and/or transfer and appropriate from available funds the sum of \$ 450,000 for the purpose of providing engineering, exploratory drilling, pump tests and pump test reports to the Department of Environmental Protection for locating a suitable site to replace well # 3 for the Water Department. Said funds to be expended by the Board of Water Commissioners with the approval of the Prudential Committee.

Article 15: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 482,043.00 for a new ambulance for the Fire Department, and to dispose of a 2013 Ford F550 ambulance in the best interest of the district. Said funds to be expended by the Fire Chief with the approval of the Prudential Committee.

Article 16: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 50,000.00 for structural turnout gear for the Fire Department. Said funds to be expended by the Fire Chief with the approval of the Prudential Committee.

Article 17: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 60,000.00 for electronics for Marine 219 (safe Boat) for the Fire Department. Said funds to be expended by the Fire Chief with the approval of the Prudential Committee.

Article 18: To see if the District will vote to vote to borrow and appropriate, raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 1,200,000.00 for the design and engineering costs for the proposed construction of a new fire station. Said funds to be expended by the Fire Chief with the approval of the Prudential Committee.

Article 19: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 60,000.00 to add funds to the Water Department Stabilization Fund.

Article 20: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 20,000.00 for the Water Department Reserve Account for Fiscal Year 2025; said funds to be expended by the Board of Water Commissioners.

Article 21: To see if the District will vote to raise and appropriate and/or transfer and appropriate from available funds the sum of \$ 20,000.00 to fund the Other Post-Employment Benefits (OPEB) Liability Fund; said funds to be expended by the Prudential Committee acting by its employee, the Treasurer.

Article 22: To see if the District will vote to raise and appropriate and/or transfer and appropriate the sum of \$ 50,000.00 to establish the Reserve Account for Fiscal Year 2025; said funds to be expended by the Prudential Committee.

Article 23: To see if the District will vote to raise and appropriate and/or transfer and appropriate the sum of \$ 100,000.00 to add funds to the District's Stabilization Fund.

Article 24: To see if the District will vote to raise and appropriate, and/or transfer and appropriate from available funds the sum of \$ 91,063.72 for hiring, equipping and training (1) Firefighter/Paramedic or Firefighter/EMT. Said funds to be expended by the Fire Chief with the approval of the Prudential Committee.

Article 25: Article 25: To see if the District will vote to amend the Bylaws of the District as follows:

Delete Article III and substitute therefor the following:

Article III. District Organization, Officers and Officials

The District consists of the District Voters, the General Management Officers, a Fire Department and a Water Department. District Voters make determinations regarding policies and operations of the District by voting at annual and special meetings. The General Management Officers of the District shall consist of an elected Prudential Committee of three members, an elected Board of Water Commissioners of three members, an elected District Clerk and an elected Moderator. The District also has an appointed Fire Chief to oversee the operations of the Fire Department, an appointed Water Superintendent to oversee the operations of the Water Department and an appointed Treasurer.

Delete Article IV and substitute therefor the following:

Article IV. Amendment of District's Special Legislation

Any proposal or request to alter the authorized functions, organization, officers or officials of the District by means of an amendment to its special legislation shall first have been approved by affirmative vote of the District voters before being submitted to the Massachusetts General Court for its consideration. Such action by the District voters may be taken either at a District meeting or by a ballot referendum.

Delete Article V and substitute therefor the following:

Article V. Meetings of District Voters

Section A. Annual District Meeting

The Annual meeting of the District shall be called by the District Clerk upon written direction of the Prudential Committee and shall be held within the District either 1) on the Second Wednesday of May each year or 2) on an alternative date between May 1st and May 15th as directed by a vote of the Prudential Committee taken prior to January 31st of that year.

Section B. Special District Meetings

Special District meetings shall be called by the District Clerk upon written direction of the Prudential Committee or upon written petition by one hundred (100) or more District voters. Any such meeting is to be held not later than thirty (30) days after the receipt of such petition.

Section C. Warrant for District Meetings

A warrant shall be prepared by the Prudential Committee for every District meeting which states the time and place of the meeting and the time and place of voting for elected officers of the District (if an election is impending). The warrant will list each item of business proposed by the Prudential Committee to be acted upon at the meeting, together with its recommendation thereon.

Pursuant to Section 119 of Chapter 41 and Section 66 of Chapter 48 of the General Laws, the Prudential Committee shall also 1) insert in the warrant for the District meeting any subject, together with its recommendation thereon, whose insertion is requested in writing by ten (10) or more District voters, 2) insert in the warrant for a Special District meeting any subject, together with its recommendation thereon, whose insertion is requested in writing by fifty (50) or more District voters.

No action taken at a District meeting shall be valid unless the subject matter thereof is contained in the warrant for such meeting. Two or more distinct District meetings for distinct purposes may be called by the same warrant.

Section D. Notice of District Meetings

The District Clerk shall give notice of every District meeting via the following methods: 1) by posting its warrant at the office of the District at 1841 Phinney's Lane, Barnstable Village, 2) by posting its warrant at the fire station, and 3) by filing its warrant with the Town Clerk in compliance with MGL c. 30A, s. 20. Warrants may also be posted via electronic media such as the District's web site.

Section E. Quorum and Voting Required at District Meetings

A quorum for taking action at an annual or special District meeting shall consist of twenty-five (25) District voters. Unless otherwise stipulated herein, or by statute, a simple majority of those District

voters present and voting at an annual or special District meeting shall carry a motion. The District voters present at a District meeting that lacks a quorum may act only to adjourn such a meeting.

Delete Article VI and substitute therefor the following:

Article VI. Elected District Officers

Section A. Term of Office

The term of office for members of the Prudential Committee, Board of Water Commissioners, District Clerk and District Moderator shall be three years. The term of office of each elected District officer shall begin immediately after election, and upon the officer having been duly sworn in by the Moderator or District Clerk, and shall terminate when such officer's successor has been sworn in.

Section B. Residency and other Qualifications.

A qualifying candidate for election to a District office 1) shall be a registered voter within the District 2) and shall not have been convicted of a felony within 5-years prior to the date of the election. Candidates for the Prudential Committee, the Water Commission and District Clerk must be prepared to attend a minimum of 24 of the 36 monthly meetings scheduled during the three year term of office. The candidate also must be available, with notice, to attend to other duties as required by the position to which he or she is elected. All candidates for elected office are subject to Massachusetts General Laws governing the conduct of elected officials generally, but specifically M.G.L. Chapter 268A Conduct of Public Officials and Employees.

Section C. Nomination Papers, Election

The Candidate for office shall have committed to the qualifications of the office as noted in Section B of this Article by filing nomination papers with the District Clerk, bearing signatures of at least twenty-five (25) District voters, at least thirty-five (35) days prior to the annual meeting and election, or Special Election as noted under Section G of this Article. Nomination papers shall be obtained from the District Office. After obtaining the required signatures the candidate shall submit the signatures to the Town Clerk for verification of the signatures. Once verified by the Town Clerk, the candidate shall deliver the verified signatures to the District Office. Upon receipt of the nomination papers as verified by the Town Clerk, the District Clerk shall prepare printed ballots and arrange for the conduct of the election at which one member of the Prudential Committee, one member of the Board of Water Commissioners, together with any vacant office as per Section J of this article, shall be elected during the voting period prior to the annual meeting. The Moderator and District Clerk Officers are elected every three years. The printed ballots for the annual election shall include all offices for which such election is being held including Moderator and/or District Clerk as applicable. The conduct of the election shall be governed by Chapter 41 of the General Laws.

Section D. Disqualification of District Employees

Any individual serving as a full-time or part-time employee or as a call firefighter of the District, full or part-time, may seek election to an elected District office, provided, however, that the employee shall, upon being sworn to such office, be thereby deemed to have resigned from employment with the District. No elected District officer shall be eligible for appointment to a position as a full-time or part-time employee or call firefighter of the District, nor shall any member of the immediate family of an elected District officer be eligible for such appointment when a conflict of interest would result therefrom.

Section E Recall Initiation

An elected official shall be required to submit to recall if the District Clerk receives a petition conforming to Section F signed by one hundred (100) registered voters of the District seeking the

recall of any elected District official. Under no circumstance may a recall be initiated within 6 months after an official has been elected, either in a general or special election. In addition, no elected official shall be subject to a recall initiated within 6 months of the end of the term of office.

Section F. Recall Procedure

When notified by written request stating the reason or reasons for requesting that an official be recalled, the District Clerk shall furnish a petition form to be signed by voters seeking the recall of an elected official. The petition form shall set forth the reason or reasons for the recall as stated in the written request submitted to the District Clerk. The petitioners shall have ninety (90) calendar days from the date the District Clerk furnishes the petition forms to obtain the requisite number of valid signatures. Upon receipt of petitions signed by one hundred (100) registered voters of the District seeking the recall of any elected District official, the District Clerk shall, within fourteen (14) days from receipt of the petition, 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 has validated the petitions.

Section G. Recall Election

A recall election shall be conducted in the same manner as a general or special election. The format of the recall ballot shall be as follows: the ballot shall consist of one question asking whether the office holder who is the subject of the recall petition should be recalled. Voters will be instructed to select either "Yes" or "No." If the majority of the votes are cast in favor of recall, the official shall have been recalled, shall be removed from office, and the office shall then be vacant. The vacancy shall be filled as noted in Section J.

Section H. Automatic Resignation of Elected Official

An elected official who ceases to be a registered voter of the District, becomes an employee of the District, or is convicted of a felony during his term of office, shall resign from office and such office shall become vacant. In the event that such elected official fails or refuses to resign within fifteen (15) days after the occurrence of any of the aforementioned disqualifying events such elected official shall be removed from office by a vote of the Prudential Committee. The vacancy shall be filled as noted in Section J.

Section I. State Ethics Commission Action

An action by the state ethics commission is not cause for automatic resignation but such an action, as governed by M.G.L. Chapter 268a & 268B, may result in a vacancy. Such vacancy may be temporary depending on the outcome of the Ethics Committee action or pending action. Any vacancy shall be filled as noted in Section J of this Article.

Section J. Filling of Vacancy in Elected Office

A vacancy in any elected District office arising from the voluntary resignation, resignation action under Section H of this Article, recall election result, death, or disability of its incumbent shall be temporarily filled by appointment by vote of the Prudential Committee, with the appointee to serve until the next annual election, when candidates for the unexpired portion of any term of this office shall be eligible for election. If a vacancy occurs as the result of a recall election the recalled official may run again for office in special or general election held to fill the vacancy resulting from recall.

Delete Article VII and substitute therefor the following:

Article VII. Filling of Vacancy in Appointive Position

Section A. Notice of Vacancy

Whenever a vacancy occurs in an appointive office or position of the District, or can be anticipated by reason of retirement, the appointing authority shall forthwith cause notice of the vacancy or anticipated vacancy to be published in at least one local newspaper and posted at the office of the District at 1841 Phinney's Lane, Barnstable Village, at the fire station and at four additional publicly accessible locations within the District for not less than fourteen (14) days. The notice may also be posted via electronic media, such as on the District web site.

Section B. Application to Fill Vacancy

Such notice shall contain a description of the duties of the office or position, and a listing of the necessary or desirable qualifications, and the date by which any person desiring appointment to fill the vacancy must file with the appointing authority a statement of qualifications. The last date that a person may file a statement of qualification with the appointing authority shall not be less than fourteen (14) days from the date the notice is first newspaper published. No appointment to fill a vacancy shall be effective until at least twenty-one (21) days have elapsed following such first newspaper publication.

You are hereby directed to serve this warrant by publishing it in the Cape Cod Times and by posting attested copies thereof at the office of the District, 1841 Phinney's Lane, Barnstable Village and the Fire Station, 3249 Main Street, Barnstable Village and filing the Warrant with the Town Clerk in accordance with MGL c. 30A, s. 20:

Given under our hands this 9th day of April 2024.

Prudential Committee

Barnstable Fire District

William A. Jones III, Chairperson, Andrew Miller, and Peter Eastman

A True Copy Attest

Charles W. Eager, District Clerk

Barnstable Fire District