

FIRE DISTRICT #1 BYLAW & POLICY ADHOC ADVISORY COMMITTEE MEETING

Thursday, January 28, 2020 – 4:00 PM

Meeting Minutes

Water Department Meeting Room

438 Granby Road

South Hadley, MA 01075

In Attendance: Water Department Superintendent and Bylaw & Policy Adhoc Advisory Committee (BPAAC) Chair Jeffrey Cyr, Water Commission Chair William Schenker, Interim Clerk/Treasurer Ira Brezinsky, District Moderator and Counsel Mark Beauregard, Firefighter/Paramedic Chase St. Andre, Fire Chief Robert Authier, Captain Kurt Schenker, Kari Scytowski

CALL TO ORDER

Cyr called the meeting to order at 4:00 PM

APPROVAL OF MINUTES

Motion: Schenker moved and Cyr seconded to approve the minutes of 12/3/19. Motion carried 6-0.

ONGOING DISCUSSION OF BYLAWS AND POLICIES

At the last meeting, the BPAAC asked that the Board of Water Commissioners and the Prudential Committee review existing bylaws for the Water Department and Fire Department respectively and advise the BPAAC about any areas of concern. Schenker reported that the Board of Water Commissioners do not have any concerns. Authier and Brezinsky reported that, at its last meeting, the Prudential Committee voted 2-1 to defer any discussion about bylaws specific to the Fire Department to a later date, specifically as they pertain to MGL Chapter 48, section 42 and 42a.

St. Andre pointed out that the language of the Fire Department Collective Bargaining Agreement (CBA) is based around Chapter 48, Section 42 ("Strong Chief") and, in some instances, is in conflict with the current bylaws which specifically reference Section 42a ("Weak Chief"). Other members agreed that this conflict in language is a problem and will need to be addressed at some point. As long as Chief Authier is here there is not an issue, because he is employed as a strong chief and the District bylaws referencing Section 42a do not apply to him. However, at such time that a new chief is hired, the current language is problematic. Beauregard felt that although in his opinion "there is no going back", the BPAAC should not offer any revisions to the current Fire Department bylaws until receiving definitive direction from the Prudential Committee.

Authier asked if the BPAAC would like to consider a recall provision. A majority of the committee was not in favor of proposing a recall provision.

Brezinsky asked that the BPAAC reconsider the number of voters required for a quorum at a District Meeting. The current bylaws do not have a quorum requirement at all. The current draft of the proposed bylaw revisions creates a quorum requirement of 25. He suggested that the quorum should be higher. The committee decided to table the discussion until the next meeting.

The committee will conduct a final review of the entire proposed bylaw draft at its next meeting on February 24 at 4 PM at the Fire Station. The expectation is that this will be the last meeting prior to presentation to the Prudential Committee.

CUMMULATIVE ISSUES REVIEWED OR TO BE REVIEWED

- Elected Officers, including elected versus appointed Clerk/Treasurer
- Date, place and requirements for elections
- Appointment of officers to vacated positions
- Establishment of Appointing Authority Committee
- Eligibility of elected officers to be employed by the District
- Eligibility of District employees to hold elected District office
- Eligibility of immediate family of elected officers to be employed by the District
- Determination of compensation for elected officers
- Duties of elected and appointed officers – Moderator, Prudential Committee, Water Commissioners, Clerk, Treasurer
- Annual and Special District Meetings – procedures, requirements, date of Annual Meeting,
- Status of Clerk Treasurer (elected versus appointed)
- Strong Chief/Weak Chief
- Updating of policies and determination of how various policies are derived, approved and implemented
- Establishment of Appointing Authority Committee in the event that an elected official leaves mid-term and needs to be replaced
- Clarification of language in sections 10, 13 & 14e of the current bylaws
- Modification of language to comport with the Collective Bargaining Agreement (CBA) and Mass General Law (MGL), i.e. roles and responsibilities, longevity, fines, etc.
- Recall provision – What would be the standard? What would be the process?
- Distinguish between general revision of language for clarification purposes versus substantive change(s) in policy or bylaw
- Differentiation of bylaw versus policy
- Policies regarding survivor health insurance benefits
- Policy manuals
- Employee handbooks
- Operational oversight of each department
- “Strong Chief” policies and procedures
- Conflicting language in the bylaws regarding approval of warrants – PC v. BOWC
- Section 16 – No Assistant Superintendent
- Process and rules for promotions. What should be in bylaw versus policy or contract?
- Date of Annual Meeting
- Clearly defined roles and responsibilities of PC and BOWC.
- Eligibility for participation in District health insurance

NEXT MEETING

The next meeting is planned for February 24 at 4:00 PM at the fire station.

ADJOURNMENT

Motion: Beauregard moved and Authier seconded to adjourn at 5:00 PM. Motion carried 6-0.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ira Brezinsky', with a stylized flourish at the end.

Ira Brezinsky
District #1, Interim Clerk Treasurer

