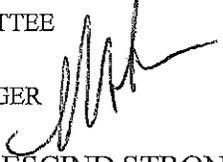


TOWN OF PLYMOUTH
TOWN MANAGER'S OFFICE

MEMORANDUM

TO: BOARD OF SELECTMEN
FINANCE AND ADVISORY COMMITTEE

FROM: MELISSA ARRIGHI, TOWN MANAGER 

SUBJECT: ARTICLE 9 AND ARTICLE 10 – RESCIND STRONG CHIEFS STATUTE

DATE: JANUARY 19, 2017

ARTICLE 9: Rescission of Chapter 48, Section 42 – commonly known as Strong Fire Chief
Towns accepting the provisions of this section and sections forty-three and forty-four, or which have accepted corresponding provisions of earlier laws may establish a fire department to be under the control of an officer to be known as the chief of the fire department. The chief shall be appointed by the selectmen, and shall receive such salary as the selectmen may from time to time determine, not exceeding in the aggregate the amount annually appropriated therefor. He may be removed for cause by the selectmen at any time after a hearing. He shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. He shall purchase subject to the approval of the selectmen and keep in repair all property and apparatus used for and by the fire department. He shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon engineers in towns except as herein provided, and shall appoint a deputy chief and such officers and firemen as he may think necessary, and may remove the same at any time for cause and after a hearing. He shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation, shall report to the selectmen from time to time as they may require, and shall annually report to the town the condition of the department with his recommendations thereon; he shall fix the compensation of the permanent and call members of the fire department subject to the approval of the selectmen. In the expenditure of money the chief shall be subject to such further limitations as the town may from time to time prescribe. The appointment of the chief of the fire department in any town or district having a population of five thousand or less may be for a period of three years.

ARTICLE 10: Rescission of Chapter 41, Section 97A – commonly known as Strong Police Chief
Section 97A. In any town which accepts this section there shall be a police department established by the selectmen, and such department shall be under the supervision of an officer to be known as the chief of police. The selectmen of any such town shall appoint a chief of police and such other officers as they deem necessary, and fix their compensation, not exceeding, in the aggregate, the annual appropriation therefor. In any such town in which such appointments are not subject to chapter thirty-one, they shall be made annually or for a term of years not exceeding three years, as the selectmen shall determine, and the

selectmen may remove such chief or other officers for cause at any time after a hearing. The chief of police in any such town shall from time to time make suitable regulations governing the police department, and the officers thereof, subject to the approval of the selectmen; provided, that such regulations shall become effective without such approval upon the failure of the selectmen to take action thereon within thirty days after they have been submitted to them by the chief of police. The chief of police in any such town shall be in immediate control of all town property used by the department, and of the police officers, whom he shall assign to their respective duties and who shall obey his orders. Section ninety-seven shall not apply in any town which accepts the provisions of this section. Acceptance of the provisions of this section shall be by a vote at an annual town meeting.

As you will note when reading these sections of the law, a substantial portion of the language is obsolete, inconsistent with our Town Charter, and currently not observed. However, there is some language in these laws that is still relevant and should be added to the personnel bylaws. Therefore, I am proposing that the Town vote to rescind both laws above and then vote to support Article 1 that will add the relevant language from those laws to the Personnel Bylaws that govern these employees.

It seems apparent that continuing to keep laws on the books that are substantially obsolete, is not good practice. We would ask you to approve Articles 10 and 11 that rescind these two laws. Thank you for your consideration.

Related Note : Proposed Additions to Personnel Bylaws included in Article 1:

“Non Union employees, including Department Heads and Fire Chief and Police Chief may be removed for just cause after a hearing in front of the appointing authority”.

“The Fire Chief and Police Chief shall be in immediate control of all town property used by the department, and shall purchase, subject to approval, and keep in repair, all equipment and apparatus used by the Department”.

“The Fire Chief and Police Chief shall have full and absolute authority in the administration of the Department and shall make all rules and regulations for its operation.”

“The Fire Chief and Police Chief shall have and exercise all the power and discharge all the duties conferred or imposed by statute.”

“The Police Chief shall be in immediate control of all police officers whom s/he shall assign to their respective duties”.