

BY-LAWS

ONSET FIRE DISTRICT

REVISED AND UPDATED MAY 20, 2013



**ONSET FIRE DISTRICT
B Y-LAWS
REVISED MAY 20, 2013**

ARTICLE I

NAME

The name of the District shall be the Onset Fire District.

ARTICLE II

AREA

The Onset Fire District shall encompass that area of the Town of Wareham, Plymouth County, Massachusetts, which is enclosed within a boundary marked, "Boundary = Onset Fire District" on a plan entitled Onset Fire District – Board of Water Commissioners, prepared by Charles L. Rowley & Assoc. C.E. & S., scale 1" = ¼ mile, dated June 15, 1999, and filed with the District Clerk-Treasurer, together with any additional area, contiguous to the District, which from time to time may be added thereto by vote of the District meeting.

ARTICLE III

OFFICERS

Section 1: The officers of the Onset Fire District shall consist of an elected Prudential Committee of three persons, an elected Board of Water Commissioners of three persons, an elected moderator, an appointed Board of Engineers, consisting of a Chief Engineer and two Assistant Engineers, and an appointed Clerk-Treasurer. The aforementioned persons shall hold no other District office. The above appointed officers shall be residents of the District or shall establish and maintain residency within the District within one year of appointment.

The moderator shall be elected at the annual meeting to serve for a term of one (1) year; one member of the Prudential Committee and one member of the Board of Water Commissioners shall be elected to serve for a term of three (3) years at each annual meeting.

The above mentioned officers shall hold office until their successors are chosen and qualified, and all candidates for District offices shall be on one ballot.

All officers of the District, except the Board of Engineers, may be call members of the Fire Department.

Section 2: Any vacancies occurring in any elected office, except Moderator, shall be filled by written ballot at any legal meeting called for that purpose.

If there is a vacancy in the position of Moderator, one will be chosen at District Meeting by popular vote.

The Prudential Committee may appoint a temporary Clerk-Treasurer in the case of a vacancy or in the case of the Clerk-Treasurer's disability.

The Prudential Committee may appoint an Acting Chief Engineer or Acting Assistant Engineer in the case of a vacancy or in the case of the Chief Engineer's or Assistant Engineer's disability.

Section 3: The officers of the District shall receive respectively for their services, such compensation as the District may determine at its Annual Meeting.

ARTICLE IV **MEETINGS**

Section 1: 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 seven days at least before such meeting.

The Warrant shall be directed to a constable, or to some other person, who shall forthwith give notice of such meeting by posting in two public places or advertising in a newspaper published in the town in which the District is located, if any, otherwise in a newspaper published in the county.

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 insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by

the Board of Water Commissioners, Board of Engineers, or by ten (10) or more registered voters of the town, residing in the territory comprising the District, and in the warrant for every special District meeting all subjects the insertion of which shall be requested of them in writing by fifty (50) registered voters of the town residing within the territory comprising the District.

A special District Meeting shall be called by the Prudential Committee upon request in writing by the Board of Water Commissioners, the Board of Engineers or of one hundred (100) registered voters. Such meetings are to be held not later than thirty (30) days after receipt of such request, and the Prudential Committee shall insert in the warrant thereof, 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. Two or more District meetings for distinct purposes may be called by the same warrant.

Section 2: All District warrants shall be closed at least ten (10) days before District Meeting.

Section 3: All candidates aspiring for office in the District shall file application in person with the Clerk-Treasurer of the District, at least thirty (30) days before the District Meeting. Votes for District officers shall be by secret ballot.

Section 4: Twenty five (25) qualified voters shall constitute a quorum at any district Meeting, except a meeting called for the purpose of electing District officers by ballot.

Section 5: The Annual Meeting shall be held within the District on the third Monday in May at 7:30 p.m. in each year and adjourned to the next following Tuesday for the election of District Officers only, and may be adjourned for the completion of unfinished business at any subsequent time.

Section 6: Absentee ballots – The Clerk-Treasurer of the District shall prepare, and make available to any registered voter of the District, absentee ballots for every District election in accordance with General Laws, Chapter 54.

ARTICLE V

FINANCES

Section 1: The financial year shall begin on the first day in July each year, and end with the last day of June of the following year.

Section 2: No District notes, bonds, or scrip shall be issued by the Clerk-Treasurer unless authorized by a vote of the District, and all such notes, bonds, or scrip shall be signed by the Clerk-Treasurer of the District and countersigned by a majority of the Prudential Committee.

The Prudential Committee shall expend for the purpose prescribed by the District, the money so raised, borrowed or appropriated and the Water Commissioners shall expend for the purpose prescribed by the District, the money so raised, borrowed, appropriated, or received from Water Revenue.

Section 3: No money shall be paid from the Treasury, except notes, bonds, or scrip, issued as above provided, and interest on same, without the written approval or order of the majority of the Prudential Committee in the case of bills belonging to the Fire Department, or of the majority of the Water Commissioners in the case of bills belonging to the Water Department.

ARTICLE VI

FIRE DEPARTMENT

Section 1: The Fire Department shall consist of a Chief Engineer and two (2) Assistant Engineers, and as many personnel as shall be necessary to manage the fire apparatus within the District, not exceeding the number allowed by law.

Section 2: There shall be an appointed Board of Engineers consisting of a Chief Engineer and two Assistant Engineers. The Prudential Committee shall appoint the Chief Engineer and two Assistant Engineers for an indefinite period of time and shall fill any vacancies in such offices. The Prudential Committee may remove the Chief Engineer or either Assistant Engineer for cause at any time after a hearing. Subject to the limitations imposed by Massachusetts General Law, the Chief Engineer shall have full and absolute authority in the administration and operation of the Fire Department and its personnel including, without limitation, the Assistant

Engineers, who shall obey his or her orders. The Board of Engineers shall purchase, subject to the approval of the Prudential Committee, and keep in good repair, all property used by and for the Fire Department. The Board of Engineers shall be responsible for the general superintendence and control of all fire apparatus and all other property of the Fire Department.

The Board of Engineers shall appoint all personnel necessary to operate the Fire Department and shall have the authority to create, establish or abolish any position within the department and to fill vacancies as they may occur during the year.

The Board of Engineers shall make such rules and regulations for the governing and disciplining of the department as necessary. Such rules and regulations shall not be repugnant to the laws of the Commonwealth. Enforcement of such rules and regulations shall be as prescribed in these rules and regulations.

Section 3: The Onset Fire Department may respond to any emergency within the boundaries of the Onset Fire District or adjoining waters. The Onset Fire Department may go to the aid of another city, town, Fire District, or area under federal jurisdiction, in this Commonwealth or in any adjoining state, for the purpose of extinguishing fires, rendering any other emergency aid, or performing any detail as ordered by the head of the Fire Department.

ARTICLE VII

WATER DEPARTMENT

Section 1: The Board of Water Commissioners shall have custody, care, management and control of all properties real and personal belonging to the Water Department, except the property placed under the control of the Board of Engineers as provided in Article VI, Section 2, of these By-Laws.

Section 2: The Board of Water Commissioners shall make rules and regulations for the introduction and use of water.

Section 3: Pursuant to Section 7 of Chapter 408 of the Acts of 1924, all authority granted to the said District by this act, when not specifically provided otherwise, shall be vested in the said Board of Water

Commissioners, who shall be subject, however, to such instructions, rules and regulations the District may impose by vote.

Article VIII

Clerk-Treasurer

Section 1: The Clerk-Treasurer shall have and exercise all the powers and rights and be subject to all the duties and liabilities now and hereafter conferred or imposed upon Fire District Clerks and Fire District Treasurers and the District shall not have an office of Clerk or an Office of Treasurer.

Section 2: The Prudential Committee may remove the Clerk-Treasurer for cause at any time after a hearing.

Section 3: The Clerk-Treasurer shall be sworn to the faithful performance of duty by the Chairman of the Prudential Committee or by a Justice of the Peace.

Section 4: The Clerk-Treasurer, or any temporary Clerk-Treasurer, shall be required to give bond in such sum as the District may require, with sureties to the satisfaction of the Prudential Committee, for the faithful performance of his or her official duties.

Section 5: The Clerk-Treasurer, or any temporary Clerk-Treasurer, shall receive and be responsible for all sums of money belonging to the District, and pay over and account for the same according to its order, or in accordance to the order of the Prudential Committee or the Water Commissioners, as provided in Article V, Section 3.

The Clerk-Treasurer, or any temporary Clerk-Treasurer, shall also keep a regular account of all monies received and expended by him or her, and submit a detailed report immediately after the close of the fiscal year, and at such other times as the District may require.

ARTICLE IX

PRUDENTIAL COMMITTEE

Section 1: The Prudential Committee shall expend for the purpose prescribed by the District the monies so raised or borrowed by the District,

except those monies under the jurisdiction of the Water Commissioners, and shall have charge of all meetings and elections, and such other responsibilities as defined by statute.

ARTICLE X

SURPLUS MATERIAL

Section 1: The Board of Water Commissioners may sell any surplus property or material not required by the Water Department and in its charge, and the Prudential Committee may sell any surplus property or material not required by the Fire Department, the Clerk-Treasurer or the Prudential Committee and in their charge, provided that the Board of Water Commissioners or the Prudential Committee, as the case may be, shall invite bids for the purchase of any such property or material which exceeds \$10,000.00 in value by advertising in one or more newspapers published in the Town of Wareham or having a general circulation in the Town of Wareham, such notices to state the time and place for opening the bids and reserving the right of the appropriate Board to reject any and all bids.

ARTICLE XI

INDEMNIFICATION

Section 1: The District shall indemnify any District officer or employee from personal financial loss and expenses, including legal fees and costs, if any, in an amount not to exceed one million dollars arising out of any claim action, award, compromise, settlement or judgment by reason of an intentional tort, or by reason of any act or omission which constitutes a violation of the civil rights of any person under any federal or state law, if such officer employee at the time of such intentional tort or such act or omission was acting within the scope of his or her official duties or employment.

Section 2: No officer or employee shall be indemnified under section 1 for violation of any such civil rights if he acted in a grossly negligent, willful or malicious manner.

Section 3: Nothing in this By-Law shall be construed to limit the effect of any indemnification statute which is applicable to the District at the time of any such intentional tort, act, or omission.

ARTICLE XII

PARLIAMENTARY PROCEDURE

Section 1: Cushing's Manual of Parliamentary Rules shall govern meetings of the District.

ARTICLE XIII

REVISION, AMENDMENT AND REPEAL

Section 1: These By-Laws may be revised, amended and repealed at any annual or special meeting called for the purpose by two-thirds vote of those present and voting at such meeting.

A copy of the Onset Fire District By-Laws shall be posted at both the Onset Fire Department and Onset Water Department.

CHAPTER 292

ACTS OF 1895

AN ACT TO CONFIRM THE PROCEEDING OF THE
Onset Bay Fire District.

Be it enacted, etc., as follows:

Section 1: The proceedings for the organization of the Onset Bay Fire District in the Town of Wareham are hereby ratified, confirmed and made valid; and all acts and proceedings of said District since the date of its organization are hereby ratified, confirmed, and made valid; and said Onset Bay Fire District is hereby granted all general powers rights and privileges vested in Fire Districts organized under Chapter Thirty Five and acts and amendments thereof.

Section 2: This act shall take effect upon its passage.

Approved, April 17, 1895

ACTS OF 1892
CHAPTER 334

An Act To Incorporate The Onset Water Company
Be it enacted, etc., as follows:

Section 1: Joseph K. Nye, William F. Nye and Henry G. Dennis, their associates and successors, are hereby made a corporation by the name of the Onset Water Company, for the purpose of furnishing the inhabitants of that part of the Town of Wareham known as Onset Bay, Point Independence and Plymouth Park, with water for the extinguishment of fires and for domestic and other purposes; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force applicable to such corporations.

Section 2: Said corporation, for the purposes aforesaid, may take the waters of Sturtevant's pond, so-called, in the Town of Wareham and of the tributaries thereof, with any water rights connected therewith, and may also take and hold, by purchase or otherwise, any real estate, rights of way or easements necessary for laying, constructing and maintaining aqueducts, reservoirs, storage basins, dams and such other works as may be deemed necessary or proper for collecting, purifying, storing, discharging, conducting and distributing said waters to said inhabitants.

Section 3: The said corporations shall, within sixty days after the taking of the waters of said Sturtevant's pond, or any water rights or water sources, or any real estate, rights of way or easements as aforesaid, otherwise than by purchase, file and cause to be recorded in the office of the Registry of Deeds for the County of Plymouth a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, signed by the president of the corporation.

Section 4: Said corporation may erect on the land thus taken or held, proper dams, buildings, fixtures and other structures, and may make excavations, procure and operate machinery, and provide such other means and appliances as may be necessary for the establishment and maintenance

of complete and effective water works, and may construct and lay down conduits, pipes and other works, under or over any lands, water courses, railroads, or public or private ways, and along any such ways, in such manner as not unnecessarily to obstruct the same; and for the purpose of constructing, maintaining and repairing such conduits, pipes and other works, and for all proper purposes of this act, said corporation may dig up any such lands, and, under the directions of the Board of Selectmen of the town in which any such ways are situated, may enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel on such ways.

Section 5: The said corporation may distribute water to the inhabitants, residents, cottages and public buildings in Onset Bay Grove, Point Independence and Plymouth Park, and fix and collect rates to be paid for the use of the same; and may make such contracts with the said town or with any Fire District that may make such contracts with the said town or with any Fire District that may hereafter be established therein, or with the Onset Bay Grove Association, or with any individual or other corporation, to supply water for the extinguishment of fires or for any other purposes, as may be mutually agreed upon.

Section 6: Said corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land, water or water rights, or by constructing any aqueducts or other works for the purposes specified in this act; and if any person who shall sustain damages as aforesaid cannot agree with said corporation upon the amount of said damages, the same shall be ascertained, determined and removed in the manner now provided by law in case of land taken for highways.

Section 7: The said corporation may, for the purposes set forth in this act, hold real estate not exceeding in amount of seven thousand dollars; and the whole capital stock of said corporation shall not exceed thirty-five thousand dollars, to be divided into shares of one hundred dollars each.

Section 8: The said corporation may issue bonds and secure the same by a mortgage on its franchise and other property to an amount not exceeding its capital stock actually paid in. The proceeds of all bonds so issued shall only be expended in the extension of the works of the company and for the payment of expenditures actually made in the construction of the works, over and above the amount of the capital stock actually paid in.

Section 9: Whoever willfully or wantonly corrupts, pollutes or diverts any of the waters taken or held under this act, or injures any structure, work or other property owned, held or used by said corporation under the authority and for the purposes of this act, shall forfeit and pay to said corporation three times the amount of damages assessed therefore, to be recovered in an action of tort; and upon conviction of either of the above willful or wanton acts shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding one year.

Section 10: The Town of Wareham, and any Fire District that is or may hereafter be established therein, shall have the right at any time to take, by purchase or otherwise, the franchise, corporate property and all the rights and privileges of said corporation, on payment to said corporation of the actual cost of its franchise, works and property of all kinds held under the provision of this act, including in such cost interest on each expenditure from its date to the date of said purchase or taking, as herein provided, at the rate of five per cent, per annum. If the cost of maintaining the operating the works of said corporation shall exceed in any year the income derived from said works by said corporation for that year, then such excess shall be added to the total cost, and if the income derived from said works by said corporation exceeds in any year the cost of maintaining and operating said works for that year, then such excess shall be deducted from the total cost. An itemized statement of the receipts and expenditures of the said corporation shall be annually submitted to the selectmen of the Town of Wareham and by said selectmen to the citizens of said town. If said corporation has incurred indebtedness, the amount of such indebtedness outstanding at the time of such taking shall be assumed by said Town or such Fire District and shall be deducted from the account required to be paid by said Town or such Fire District to said corporation under the foregoing provisions of this section. This authority to purchase such franchise and property is granted on condition that the purchase is assented to by said Town or such Fire District by a two thirds vote of the voters of said Town or such Fire District present and voting thereon at a meeting legally called for that purpose.

Section 11: The said Town or Fire District may, for the purpose of paying the cost of said franchise and corporate property and the necessary expenses and liabilities incurred under the provisions of this act, issue from time to time, bonds or scrip to an amount not exceeding in the aggregate thirty-five

thousand dollars; such bonds, notes and scrip shall bear on their face the words, Wareham Water Loan; shall be payable at the expiration of periods not exceeding thirty years from the date of issue; shall bear interest payable semi-annually at a rate not exceeding six per centum per annum, shall be signed by the treasurer of the Town or of the Fire District and countersigned by the Chairman of the Water Commissioner hereinafter provided for. The said Town or Fire District may sell such securities at public or private sale or pledge the same for money borrowed for the purposes of this act, upon such terms and conditions as it may deem proper. The said Town or Fire District shall provide, at the time of contracting said loan, for the establishment of a sinking fund, and shall annually contribute to such fund a sum sufficient, with the accumulations thereof, to pay the principal of said loan at maturity. The said sinking fund shall remain inviolate and pledged to the payment of said loan and shall be used for no other purpose.

Section 12: The said Town or Fire District instead of establishing a sinking fund may at the time of authorizing said loan provide for the payment thereof in such annual proportionate payments as will extinguish the same within the time prescribed in this act; and when such vote has been passed the amount required thereby shall, without further vote, be assessed by the assessors of said town in each year thereafter until the debt incurred by said loan shall be extinguished, in the same manner as other taxes are assessed under the provisions of section thirty-four of chapter eleven of the Public Statutes.

Section 13: The return required by section ninety-one of chapter eleven of the Public Statutes shall state the amount of any sinking fund established under this act, and if none is established whether action has been taken in accordance with the provisions of the preceding section, and the amounts raised and applied there under for the current year.

Section 14: The said Town or Fire District shall raise annually by taxation a sum which, with the income derived from the water rates, will be sufficient to pay the current annual expenses of operating its water works and the interest as it accrues on the bonds, notes and scrip issued as aforesaid by said town or Fire District, and to make such contributions to the sinking fund and payments on the principal as may be required under the provisions of this act.

Section 15: The said Town or Fire District shall after the purchase of said franchise and corporate property, as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years and one until the expiration of one year from the next succeeding annual town or District meeting, to constitute a Board of Water Commissioners; and at each annual town or District meeting thereafter, one such Commissioner shall be elected by ballot for the term of three years. All the authority granted to the said Town or District by this act, and not otherwise specially provided for, shall be vested in said Board of Water Commissioners, who shall be subject however to such instructions, rules and regulations as said Town or District may impose by vote; said Commissioners shall be trustees of the sinking fund herein provided for, and a majority of said Commissioners shall constitute a quorum for the transaction of business relative both to the water works and to the sinking fund. Any vacancy occurring in said Board from any cause may be filled for the remainder of the unexpired term by said Town or District at any legal town or Fire District meeting called for the purpose.

Section 16: This act shall take effect upon its passage, but shall become void unless work under it shall be commenced within three years from the date of its passage.

(Approved June 2, 1892.)

CHAPTER 408

COMMONWEALTH OF MASSACHUSETTS

IN THE YEAR ONE THOUSAND NINE HUNDRED AND TWENTY-FOUR

AN ACT

Authorizing the Onset Fire District to Take over the Onset Water Company and

Thereafter to Establish and Maintain a General Water Supply System.

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

Section 1: All acts and proceedings of the Onset Bay Fire District in the Town of Wareham under the name of the Onset Fire District are hereby ratified and confirmed to the same extent as if the latter name had been the correct name of said District, and the name of the said District shall hereafter be the Onset Fire District.

Section 2: The said District, by its Prudential Committee or by a committee thereto duly authorized, for the purpose of supplying its inhabitants with water for the extinguishment of fires and for domestic and other purposes, may purchase the franchises, corporate property and all the rights and privileges of the Onset Water Company for a sum not exceeding eighty-five thousand dollars, and thereafter said District may maintain a water supply system for the aforesaid purposes, subject to all general laws now or hereafter in force relating to such Districts, except as otherwise provided herein. If the said company has incurred indebtedness, the amount of such indebtedness outstanding at the time of such purchase may be assumed by the said District, and the purchase price shall be reduced accordingly.

Section 3: For the purposes of the aforesaid, the said District, acting through its Board of Water Commissioners hereinafter provided for, may take by eminent domain under Chapter Seventy Nine of the General Laws, or acquire by purchase or otherwise, and hold the water of any pond, brook, spring or stream within the Town of Wareham, not already used for public water supply, subject to the approval of the Department of Public Health; and for said purposes, through its Board of Water Commissioners, may take

by eminent domain under said Chapter Seventy Nine, or acquire by purchase or otherwise and hold, all lands, rights of way and other easements necessary for the collecting, storing, holding, and preserving such water and conveying same. The said District may erect on the lands acquired and held under this act proper dams, buildings fixtures and other structures, and may make excavations, procure and operate machinery and provide such other means and appliances, and do such other things as may be necessary for the establishment and maintenance of complete and effective waterworks; and for that purpose may construct and lay conduits, pipes and other works, over and under any lands, watercourses, railroads, railways, and public and private ways, and along such ways, in such manner as not unnecessarily to obstruct same; and for the purposes of constructing, maintaining and repairing conduits, pipes and other works, and for all other proper purposes of this act, said District may dig up any such lands, and under the direction of the selectmen of the Town of Wareham, enter upon and dig up any such ways in such manner as to cause the least hindrance to public travel thereon. The said District shall not enter upon, construct or lay any pipes, conduits or other works within the location of any railroad corporation, except at such time and in such manner as it may agree upon with such railroad corporation or, in case of failure so to agree, as may be approved by the Department of Public Utilities.

Section 4: The said District may, in cases of emergency, take by eminent domain under said Chapter Seventy Nine the right to draw water from any stream, pond or reservoir not already appropriated to the uses of a municipal water supply, for a period of time not more than nine months in any year, in quantities necessary to relieve the emergency; but no such taking shall be made until after the Department of Public Health had approved the water as a proper source of water supply. The said District may also take by eminent domain under said Chapter Seventy Nine the right to use any land for the time necessary to use such water. The vote of the said District to take or authorize such taking shall be conclusive evidence of the existence of the emergency.

Section 5: For the purposes of paying the necessary expenses and liabilities incurred under the provisions of this act, the said District may borrow from time to time within a period of five years after the passage of this act such sums as may be necessary, not exceeding, I the aggregate, one hundred and fifty thousand dollars, and may issue bonds or notes therefore, which shall bear on their face the words Onset Fire District Loan, Act of 1924. Said

bonds or notes shall be signed by the Treasurer of the District and countersigned by the Prudential Committee. Each authorized issue shall constitute a separate and such loans shall be payable in not more than thirty years from their dates. Indebtedness incurred under this act shall be subject to Chapter 44 of the General Laws.

Section 6: The said District shall, at the time of authorizing said loan or loans, provide payment thereof in accordance with Section 5; and where a vote to that effect has been passed, a sum which with income derived from the water rates, will be sufficient to pay the annual expenses of operating the water works and interest as it accrues on bonds or notes issued as aforesaid, and to make such payments on the principal as may be required under this act, shall, without further vote, be assessed upon the said District by the assessors of the Town of Wareham annually thereafter, until the debt incurred by said loan or loans is extinguished.

Section 7: The said District shall, after the purchase of the franchise, corporate property, rights and privileges of said Water Company as provided in this act, at a legal meeting called for the purpose, elect by ballot three persons to hold office, one until the expiration of three years, one until the expiration of two years, and one until the expiration of one year from the next succeeding Annual District Meeting, to constitute a Board of Water Commissioners; and at each Annual District Meeting after said next succeeding Annual District Meeting one such Commissioner shall be elected by ballot for the term of three years. All authority granted to the said District by this act, except sections five and six, when not specifically provided otherwise, shall be vested in the said Board of Water Commissioners, who shall be subject, however, to such instructions, rules, and regulations as said District may impose by vote. Any vacancy occurring in said Board may be filled for the remainder of the unexpired term by said District at any legal meeting call for the purpose.

Section 8: The said Commissioners shall fix just and equitable rates and prices for the use of water, and shall prescribe the time and manner of payment. The income of the water works shall be used to defray all operating expenses, interest charges and payments on principal as they become due upon any bonds or notes issued under authority of this act. If there should be a net surplus remaining after providing for the aforesaid charges it shall be used for such new construction as the Commissioners may determine upon, and in case a surplus should remain after payment for

such new construction the water rates shall be reduced proportionately. No money shall be expended in new construction by said Commissioners except from the net surplus aforesaid, unless the District appropriates and provides money therefore. All authority vested in the said Commissioners by the foregoing provisions of this section shall be subject to the provisions of Section Seven. Said Commissioners shall, annually and as often as the District may require, render to the District a report upon the condition of the works under their charge and an account of their doings, including an account of receipts and expenditures.

Section 9: No purchase of the franchise, corporate property, rights and privileges of said Water Company shall be made except by two thirds vote of the voters of the District present and voting thereon; and all loans authorized under section five shall require a like two thirds vote.

Section 10: So much of Chapter Three Hundred and Forty Four of the Acts of Eighteen Hundred and Ninety Two as is inconsistent herewith is hereby repealed.

Section 11: This act shall take full effect upon its acceptance by a two thirds vote of the voters of said District present and voting thereon at a meeting called for the purpose within six months after its passage; but for the purpose of being submitted to the voters as aforesaid, it shall take effect upon its passage.

House of Representatives, May 22, 1924

Passed to be enacted, Benjamin Loring Young, Speaker In Senate

May 23, 1924

Passed to be enacted, Frank G. Allen, President May 27, 1924

Approved.

Channing H. Cox

THE COMMONWEALTH OF MASSACHUSETTS

Office of the Secretary

Boston, June 3, 1924

Actions regarding acceptance of Massachusetts General and Session Laws

(no records prior to 1933)

March 20, 1933 (Chapter 40), sections 42A thru E, providing for liens of property for unpaid water bills
NOT ACCEPTED

March 19, 1934 (Chapter 40), sections 42A thru E, providing for liens on property for unpaid water bills
ACCEPTED

March 15, 1943 Chapter 3, acts of 1943 to establish a POSTWAR REHABILITATION FUND
ENACTED

June 25, 1948 Chapter 508, acts of 1948 to permit the District to establish a library and community center
INDEFINITELY POSTPONED

March 15, 1954 Chapter 32, sections 1 through 28, inclusive, to provide retirement benefits for employees of the District
ACCEPTED

December 18, 1956 Chapter 419, acts of 1956, establishing the positions of Chief Engineer, First Assistant Engineer, and Second Assistant Engineer in the Onset Fire District
ENACTED

March 20, 1967 Chapter 32B provisions authorizing the District to provide health, life and accident insurance to certain persons and dependents.
ACCEPTED

March 19, 1973 Chapter 32B section 9A authorizing the District to pay 50% of the premiums for health, life and accident insurance for Retirees of the District.
ACCEPTED

March 17, 1980 Chapter 32B section 7A to increase health, life and accident insurance premiums paid by the District from 50% to 75%

ACCEPTED

May 20, 1980 Chapter 40 sections 42A through 42F inclusive, providing for liens on property for unpaid water bills. (The actions of March 19, 1934 were not proper and complete.)

ACCEPTED

March 16, 1981 Chapter 148 section 26E regarding the installation of smoke detectors in buildings with 2 to 5 dwelling units.

ACCEPTED

March 16, 1981 Chapter 40, section 4G regarding contracts for supplies, materials and goods in excess of \$4000.00. Subsequently repealed.

ACCEPTED

March 15, 1982 Chapter 48 in its entirety (not local option statutes. Action was moot.)

ACCEPTED

March 15, 1982 Chapter 148 in its entirety. (Fire prevention statutes. Some sections were local option. Most are a matter of State Law.)

ACCEPTED

March 15, 1982 Chapter 266 various sections are criminal statutes and not local option with respect to Fire Districts. No acceptance is necessary.

Action was moot.

ACCEPTED

March 15, 1982 Chapter 269 sections 13 through 15 are criminal statutes regarding false alarms and other crimes against the public peace. They are not local option laws. Action was moot.

ACCEPTED

March 21, 1983 Chapter 148, section 26G regarding the installation of sprinkler systems in newly constructed buildings with a gross floor area of 7500 square feet built after July 1, 1983.

ACCEPTED

March 16, 1987 Chapter 32B sections 7A and 9E, authorizing the District to pay an increase of 24% for health, life and accident insurance premium payments, raising the payments from 75% to 99%.

ACCEPTED

May 15, 1995 Chapter 29, section 64D establishing a deferred compensation program for all persons employed by the District who do not contribute as an employee, to Social Security or County retirement.

This is related to Call Firefighters.

ACCEPTED

May 21, 2001 Chapter 32, section 89B regarding pensions and annuities for dependents of police and firefighters killed in the line of duty. Section 89B does not apply to Districts.

FURTHER STUDY

May 16, 2005 Chapter 148, all sections local option for Fire Districts.

DEFEATED

May 20, 2013 accepted the provisions of MGL Chapter 32B, Section 9D ½

May 20, 2013 adopted MGL Chapter 32B Section 20

IMPORTANT HISTORICAL NOTES

- 1.** INDUSTRY HOOK AND LADDER was formed in 1890 by the Women's Industrial League, and formed the basis of the Onset Fire Department. The District was formed after the residents of Onset petitioned the Town of Wareham for a Fire Department and were refused.
- 2.** The ONSET WATER COMPANY was a private corporation formed in 1892. It was purchased by the Onset Fire District in 1924 for \$85,000.00.
- 3.** The Onset Fire District has never accepted Chapter 41, section 69B, which allows water revenue surplus to be used to finance general District government. Chapter 408 of the Acts of 1924 provides for the use of water revenue surplus.
- 4.** The original name was the ONSET BAY FIRE DISTRICT.
- 5.** Prior to the 1933 Annual Report, no record of the proceedings of any District Meeting was included in the Annual District Report.
- 6.** The Moderator was elected at the beginning of each District Meeting prior to the 1950 District Meeting. The position appeared on the ballot in the 1951 election. B.A. (Scup) Merrihew won the position with 70 votes.
- 7.** At one time or another District Meeting considered expanding District Government to include a library, a sewer system, electric light and power, and rubbish collection. None of these efforts were successful.
- 8.** At the Annual District Meeting in 1974, the District established a sick leave plan for employees of the Water Department. This plan was never appended to the District By-Laws.
- 9.** At the Annual District Meeting in 1975, the District established a sick leave plan for employees of the Fire Department. This plan was never appended to the District By-Laws.

- 10.** At the Annual District Meeting in 1976, the District established a vacation policy for all full-time employees of the District. This policy was never appended to the District By-Laws.
- 11.** At the Annual District Meeting in 1987, the By-Laws were amended to remove the elected position of Auditor at the expiration of the term of office after the 1987 election. There were no Auditors on the ballot in the 1988 election.
- 12.** At a Special District Meeting in February 2000, the District voted to annex areas of the Town, contiguous to the District, and, along with the Wareham Fire District, effectively absorbed all “out of District” areas in to one of the two Fire Districts. The town was no longer obligated to provide fire protection to any area of the Town of Wareham. This is recorded as Chapter 106 of the Acts of 2000, approved on June 17, 2000.
- 13.** In May 2005, the District transitioned from an elected to an appointed Clerk-Treasurer pursuant to Chapter 469 of the Acts of 2004.
- 14.** In November 2005, the District office was moved from 240 Onset Avenue to the Water Department building at 15 Sand Pond Road.
- 15.** In May 2010, the District transitioned from an elected Board of Engineers to an appointed Board of Engineers.