

By Mr. Klimm of Barnstable, petition of Leo Coveney relative to the Barnstable Fire District of the town of Barnstable. Local Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Three.

AN ACT RELATIVE TO FIRE DISTRICTS IN THE TOWN OF BARNSTABLE.

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. Notwithstanding any general or special law to
2 the contrary, in order to promote the convenience of the voters,
3 increase the number of ballots cast and eliminate the cost to the
4 taxpayers of separate elections for each district, it is hereby
5 mandated that the voting procedures in all the fire/water districts
6 of the Town of Barnstable be structured as follows:

7 The election of all officers of districts and all referendum
8 questions shall be held on the same date at the same site on the
9 same ballot as a municipal or state election, regular or special.

10 All referendum questions of the districts shall be listed twice
11 on the one ballot. This one ballot will have two parts. Part I will
12 allow the individual to vote on each question as a citizen of the
13 municipality. Part II will allow the same individual to vote on the
14 same separate questions as a citizen of the district.

15 On each question if the majority of the citizens vote on both
16 parts of the ballot for the same decision, that decision wins.

17 If the majority of the citizens do not vote for the same decision
18 on both parts of the ballot, the decision of the individuals voting
19 as a district citizen wins.

1 SECTION 2. A binding referendum in each district and the
2 town as a whole shall be held in accordance with section 1 at the
3 next municipal or state election after the enactment of this bill
4 on the question of the absorption by the town of all the fire/water

5 districts. The town council is authorized to make the administra-
6 tive arrangements for this absorption after an affirmative result
7 from the binding referendum.

1 SECTION 3. All assets of the dissolved fire/water districts
2 including cash and cash equivalents, equipment, vehicles,
3 machinery, personal property, real property, interests in real
4 property, claims and receivables shall be transferred to the
5 government of the town of Barnstable as of the end of the fiscal
6 year during which the binding referendum has been passed by the
7 voters. In addition, all liabilities of the districts dissolved by this
8 act shall be assumed by the town of Barnstable on the same date
9 as the transfer of assets.

1 SECTION 4. The provisions of this bill are severable. If any
2 of the provisions of this bill are held to be unconstitutional or
3 invalid, the remaining provisions of this bill shall not be affected
4 thereby.

1 SECTION 5. Neither the town nor district governments shall
2 expend taxpayer or other government funds in support of
3 litigation or other efforts on either side of the absorption question.
4 Violations will be considered criminal matters subject to the
5 currently existing ethics on government law.