



## TOWN OF BARRINGTON FIRE DEPARTMENT

Gerald A. Bessette, Fire Chief

November 1, 2023

To: Phillip Hervey, Town Manager

From: Gerald A. Bessette, Town Fire Chief

Subj: Review of Fire Town Charter

I have reviewed the Fire Town Charter and I am recommending the following changes for submission to the Charter Review Committee with your approval.

### FIRE DEPARTMENT

#### 10-2-1 ORGANIZATION.

[Amended 11-21-1994; 11-4-2014]

~~The Council shall provide fire protection and emergency medical services for the citizens of the Town and their property. Should the Council choose to continue in existence a permanent paid fire department, the provisions of sections 1 through 8 of this Chapter shall govern the operations thereof. There shall be a Department of Fire~~ the head of the department shall be the Fire Chief, who shall be appointed by the Town Manager and shall serve at the pleasure of the Town Manager. The Fire Chief shall possess such practical experience in the fields of fire fighting and fire prevention and shall have received such training either in a recognized fire fighting school, or shall have had such practical experience which is the equivalent thereof, and shall have such further qualifications as the Manager shall determine. In addition to the Fire Chief, there shall be such other members and employees of such ranks and grades.

~~including volunteers and call fire fighters, as shall be determined by the Council upon recommendation of the Town Manager and the Fire Chief.~~

#### **10-2-2 APPOINTMENT AND TENURE.**

All full time members of the fire department below the rank of Fire Chief shall be appointed or promoted, as the case may be, by the Town Manager on the recommendation of the Fire Chief, provided they shall have satisfactorily passed such qualifying tests as the Council shall have established by resolution. They shall hold their respective offices during good behavior, until vacated by death, resignation or retirement, or until they shall be removed in the manner hereinafter set forth, provided nevertheless, that all members of the fire department shall, at the time of their permanent appointment, have served for a period of not less than twelve (12) months in a probationary status during which probationary period they may be removed at any time by the Town Manager upon recommendation of the Fire Chief, with or without cause.

#### **10-2-3 SALARIES.**

The salaries of the Fire Chief and of all officers and members of the department shall from time to time be fixed by the Council.

#### **10-2-4 REMOVAL FOR CAUSE.**

Except as may otherwise be provided by the laws of Rhode Island any officer or member of the permanent fire department below the rank of Fire Chief may be removed for cause in the same manner and with the same rights with respect to reinstatement and subject in all respects to the same procedure and rights as to notice and production of testimony as is provided with respect to the removal and reinstatement of members of the permanent police force of the Town, as provided in Section 10-1-6 of this Charter. All such Council orders shall otherwise be final and constitute a public record.

#### **10-2-5 CAUSES FOR REMOVAL OR DISCIPLINARY ACTION.**

It shall be the duty of the Fire Chief to prepare rules and regulations for the conduct of all members of the department, including appropriate penalties for their violation which, when approved by the Council by resolution, shall have the force of law and shall be the basis for removals and other disciplinary action as provided therein. Changes in such rules and regulations shall be made from time to time in the same manner.

#### **10-2-6 SUSPENSION AND OTHER DISCIPLINARY ACTION.**

Except as may otherwise be provided by the laws of Rhode Island and except as may otherwise be provided in any collective bargaining agreement between the Town and the certified collective bargaining agent for the members of the permanent fire department the Town Manager and the Fire Chief shall, in the



case of officers and members of the permanent fire department, have the same powers in all respects as are granted to the Town Manager and the Chief of Police respectively in the case of members of the permanent police force with regard to suspension, reduction in rank and other disciplinary action and the exercise of such powers shall in all respects be subject to the procedures, rights of hearing, and rights to compel testimony as are provided in the case of suspension or discipline of members of the permanent police force as provided in Sections **10-1-7** and **10-1-8** of this Charter.

**10-2-7 DECREASE IN NUMBER OF PERMANENT FIREFIGHTERS.**

[Amended 11-4-2014]

The Council, notwithstanding any of the foregoing provisions, shall have the right to decrease the number of officers and firefighters in the permanent fire department for the purpose of complying with and remaining within appropriations, currently available for the payment of salaries within the fire department (whether or not there may be other funds available for such salaries), and for such other purposes as the Council shall deem to be in the best interest of the Town, and for these purposes shall, without making any charges and without cause, have the right to remove such personnel who are members of the permanent fire department.

**10-2-8 REMOVAL OR SUSPENSION OF ANY FIREFIGHTER WHO IS NOT A MEMBER OF THE PERMANENT FIRE DEPARTMENT.**

All firefighters who are not members of the permanent fire department shall serve at the pleasure of the Fire Chief. The Fire Chief may remove or suspend any such firefighters at will, and there shall be no right of appeal from any action in such case.

~~**10-2-9 CONSTRUCTION OF PROVISIONS.**~~

~~[Added 11-21-1994]~~

~~Nothing herein contained shall be construed to prohibit the discontinuance by the Council of a permanent paid fire department if and at such time as the Council shall deem it in the best interests of the Town to utilize alternative means by which fire protection and related services can be provided.~~