

TOWN OF BRAINTREE

IN COUNCIL

ORDER NO: 10 056

DATE: June 28, 2010

ORDERED: Mayor

Acceptance of Statute

Mutual Aid Agreements for Joint Fire and Rescue Services

MAYOR JOSEPH C. SULLIVAN HAS SUBMITTED TO THE BRAINTREE TOWN COUNCIL THE FOLLOWING STATUE:

That the Town vote to accept the provisions of Chapter 48, Section 59A for the purpose of authorizing the Town of Braintree Fire Department to extinguish fires in or to render any emergency aid to another city, town, fire district, area under federal jurisdiction in the Commonwealth of Massachusetts, Massachusetts Military Reservation Fire District, or any adjoining state, as may be ordered by the Fire Chief.

YEAS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

NAYS: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

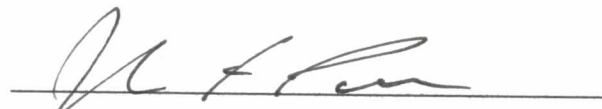
ABSENT: Bowes, Clifford, DeNapoli, Dingee, Joyce, Kokoros, Mullaney, Powers, Ryan

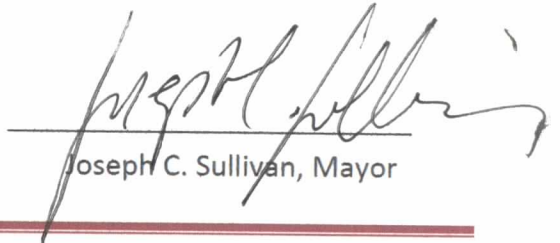
Passed in Council: August 17, 2010

Presented to Mayor: August 18, 2010

A True Copy, Attest:

August 26, 2010
Date Approved


Joseph F. Powers, Town Clerk


Joseph C. Sullivan, Mayor



Office of the Mayor

One JFK Memorial Drive
Braintree, Massachusetts 02184

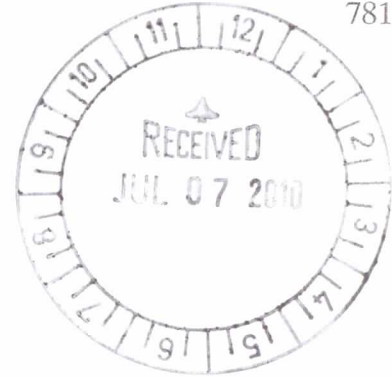
Joseph C. Sullivan
Mayor

To: Charles B. Ryan, President of the Council
cc: Clerk of the Council
Town Clerk
Fire Chief

From: Joseph C. Sullivan, Mayor *JCS*

Date: June 28, 2010

781-794-8100



RE: Acceptance of Statute – Mutual Aid Agreements for Joint Fire and Rescue Services

Recently, the Fire Chief recommended that the Town of Braintree enter into a Mutual Aid Agreement with other communities in Norfolk County to provide joint fire, rescue and ambulance services to each other in times of need. I support the Fire Chief in this recommendation and recognize that Braintree has often extended or received a helping hand from surrounding municipalities when a need arises, such as the recent fire on Central Avenue. Because of mutual aid agreements, other communities were authorized to offer additional resources and equipment to respond to this public safety emergency.

In order to maintain such valuable mutual aid agreements, it is necessary for the Town to vote to accept the provisions of G.L. Chapter 48, Section 59A, a copy of which is attached hereto for your reference. An appropriate motion is as follows:

MOTION: THAT THE TOWN VOTE TO ACCEPT THE PROVISIONS OF CHAPTER 48, SECTION 59A FOR THE PURPOSE OF AUTHORIZING THE TOWN OF BRAINTREE FIRE DEPARTMENT TO EXTINGUISH FIRES IN OR TO RENDER ANY EMERGENCY AID TO ANOTHER CITY, TOWN, FIRE DISTRICT, AREA UNDER FEDERAL JURISDICTION IN THE COMMONWEALTH OF MASSACHUSETTS, MASSACHUSETTS MILITARY RESERVATION FIRE DISTRICT, OR ANY ADJOINING STATE, AS MAY BE ORDERED BY THE FIRE CHIEF.

Please note that the Charter does not require a public hearing or publication for this action.

The General Laws of Massachusetts

[Search the Laws](#)

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 48. FIRES, FIRE DEPARTMENTS AND FIRE DISTRICTS

FIRE DEPARTMENTS

Chapter 48: Section 59A. Aid to other municipalities; authorization; fire departments defined; payment for damages

[First paragraph effective until September 1, 2008. For text effective September 1, 2008, see below.]

Section 59A. Cities, towns and fire districts may, by ordinance or by-law, or by vote of the board of aldermen, selectmen or of the prudential committee or board exercising similar powers, authorize their respective fire departments to go to aid another city, town, fire district or area under federal jurisdiction in this commonwealth or in any adjoining state in extinguishing fires therein, or rendering any other emergency aid or performing any detail as ordered by the head of the fire department, and while in the performance of their duties in extending such aid the members of such departments shall have the same immunities and privileges as if performing the same within their respective cities, towns or districts. Any such ordinance, by-law or vote may authorize the head of the fire department to extend such aid, subject to such conditions and restrictions as may be prescribed therein. The words "fire departments" as used in this section shall mean lawfully organized fire fighting forces, however constituted.

[First paragraph as amended by 2008, 308, Sec. 10 effective September 1, 2008. See 2008, 308, Sec. 17. For text effective until September 1, 2008, see above.]

Cities, towns and fire districts may, by ordinance or by-law, or by vote of the board of aldermen, selectmen or of the prudential committee or board exercising similar powers, authorize their respective fire departments to go to aid another city, town, fire district or area under federal jurisdiction in this commonwealth or in any adjoining state in extinguishing fires therein, or rendering any other emergency aid or performing any detail as ordered by the head of the fire department, or the Massachusetts military reservation fire district and while in the performance of their duties in extending such aid the members of such departments shall have the same immunities and privileges as if performing the same within their respective cities, towns or districts. Any such ordinance, by-law or vote may authorize the head of the fire department to extend such aid, subject to such conditions and restrictions as may be prescribed therein. The words "fire departments" as used in this section shall mean lawfully organized fire fighting forces, however constituted.

During the course of rendering such aid to another municipality, the municipality rendering aid shall be responsible for the operation of its equipment and for any damage thereto, and, subject to the limitations of municipal liability, for personal injury sustained or caused by a member of its fire department, and for any payments which it is required to make to a member of said department or to his widow or other dependents on account of injuries or death, notwithstanding paragraph (b) of subdivision (4) of section seven of chapter thirty-two, unless such municipalities have a written agreement to the contrary.

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