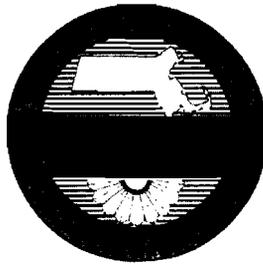


ORGANIZED
NOVEMBER 3, 1887



INCORPORATED
MAY 2, 1949

EXECUTIVE DIRECTOR
CHIEF A. WAYNE SAMPSON (RET.)
GENERAL COUNSEL
JOHN M. COLLINS, ESQUIRE

E-MAIL: OFFICE@MASSCHIEFS.ORG
WEBSITE: WWW.MASSCHIEFS.ORG

BUSINESS OFFICE
26 PROVIDENCE ROAD, GRAFTON, MA 01519
TEL: (508) 839-5723 / (800) 322-2011
FAX: (508) 839-4873

In Unity There Is Strength

MEMO

2011 OFFICERS

President
Chief Mark K. Leahy
Northborough

1st Vice President
Chief Joseph J. Rebello
Kingston

2nd Vice President
Chief James G. Hicks
Bedford

3rd Vice President
Chief Erik G. Blake
Oak Bluffs

Sergeant-at-Arms
Chief Douglas W. Mellis
East Longmeadow

EXECUTIVE COMMITTEE

Chief Mary R. Lyons
Mattapoisett (*Past President*)

Chief Richard J. Koch
Brewster (Barnstable & Islands)

Chief Richard B. Wilcox
Stockbridge (Berkshire)

Chief George Arruda
Swansea (Bristol)

Chief Kenneth M. Walsh
Wenham (Essex)

Chief David W. Hastings
Gill (Franklin)

Chief Robert D. Campbell
Agawam (Hampden)

Chief Francis R. Fox, Jr.
Belchertown (Hampshire)

Chief Steven A. Mazzie
Everett (Major City Chiefs)

Chief Edward P. Deveau
Watertown (Middlesex)

Chief Richard E. Smith
Wakefield (Middlesex)

Chief Terrence M. Cunningham
Wellesley (Norfolk)

Chief Donald H. Clark
West Bridgewater (Plymouth)

Chief Brian A. Kyes
Chelsea (Suffolk)

Chief Peter F. Roddy
Leominster (Worcester)

Chief Patrick T. Foley
Douglas (Worcester)

Life Member
Chief Edward M. Merrick (Ret.)
Plainville

January 27, 2011

To: Police Chiefs

From: Atty. John M. (Jack) Collins, General Counsel

Re: Statewide Mutual Aid Participation

HOW CAN A COMMUNITY TAKE PART?

Under the amendments to chapter 40, a city or town is authorized to "opt in" to coverage by the so-called "statewide mutual aid" agreement. Essentially, if a city or town wishes to join the agreement, the mayor in the case of a city, the city manager in the case of a Plan D or Plan E city, or the town manager, town administrator or chairman of the board of selectmen with the approval of the board of selectmen, may act on behalf of the city or town to join the agreement by notifying the director of MEMA in writing. If this happens, the municipality becomes a party to the agreement 30 days after receipt by MEMA of the written notification.

CAN A CITY OR TOWN LATER "OPT OUT"?

A city or town that has joined the agreement may opt out of the agreement in the same manner as provided for joining the agreement and by notifying MEMA in writing of its intention to opt out. The removal of the municipality from the agreement takes effect 10 days after receipt by MEMA of the written notification.

WHAT MUST A COMMUNITY DO TO “VOTE” OR “OPT IN”?

The first thing to keep in mind is that unlike most “local option” laws, this one does not require any action by either a Town Meeting or a City Council. (That may become an issue for a court challenge under the state’s Home Rule Amendment, but for now, chiefs should assume the procedure for adoption in the new law is valid.)

In a city

The mayor of a city, unless such city operates under either Plan D or Plan E, may decide to “opt in” and send a letter to the Director of MEMA notifying such agency of that decision.

If the city has a City Manager under either Plan D or Plan E, that Manager can send the same letter as the Mayor of another city would do.

In a town

The town manager, town administrator or chairman of the board of selectmen with the approval of the board of selectmen, may act on behalf of the city or town to join the agreement by notifying the director of MEMA in writing. The statute is a little ambiguous, but it appears that even a Town Manager should get the approval of the Board of Selectmen, just to be safe. (It is possible that such Manager could act on his or her own, just as a City manager can do, but why take the chance?) Clearly, if the town does not have a Town Manager, but either has a Town Administrator or Executive Secretary, or even if it has no similar position, a vote of the Board of Selectmen is required.

SAMPLE FORMS

MOTION BY BOARD OF SELECTMEN

I move that the Town join the so-called "statewide mutual aid agreement" established under Massachusetts General Laws chapter 40, section 4J to create a framework for the provision of mutual aid assistance among the parties to the agreement in the case of a public safety incident. The assistance to be provided under the agreement shall include, but not be limited to, fire service, law enforcement, emergency medical services, transportation, communications, public works, engineering, building inspection, planning and information assistance, resource support, public health, health and medical services, search and rescue assistance and any other resource, equipment or personnel that a party to the agreement may request or provide in anticipation of, or in response to, a public safety incident.

NOTICE LETTER

(retype on city or town letterhead)

Date: _____

Director
Massachusetts Emergency Management Agency
400 Worcester Road

Framingham, MA 01702-5399

Re: Statewide Mutual Aid

Dear Director:

Be advised that this municipality has decided to "opt in" to the so-called statewide mutual aid agreement established under MGL c. 40, s. 4J.

Sincerely,