

**South Brunswick Fire District #3  
Township of South Brunswick  
County of Middlesex  
State of New Jersey**

**By-Laws**

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**Article I - Seal**

The official seal of the Board of Fire Commissioners of Fire District #3, Township of South Brunswick, County of Middlesex, State of New Jersey ("Board") shall consist of an embossed impression of a circular metallic disc containing in the outer rim, the words "The Commissioners of Fire District #3, Township of South Brunswick, NJ"

**Article II - General Powers**

The Board is created pursuant to N.J.S.A. 40A:14-70. The general powers of the Board are specifically set forth in N.J.S.A. 40A:14-81 and supplemented by various statutory sections in N.J.S.A. 40A:14, et seq.

**Article III - Members**

1. N.J.S.A. 40A:14-70 states that the elected Commissioners of the Board shall divide themselves into three classes of members. The first class of members shall consist of two members to be elected for terms of one year each. The second class of members shall consist of two members to be elected for terms of two years each. The third class of members shall consist of one member to be elected for a term of three years. Upon the expiration of said terms, said successors to the Board shall be elected for terms of three years.
2. All elected Commissioners shall have their residence at all times within the bounds of the Fire District.
3. If a vacancy shall occur in the membership of the Board, said vacancy shall be filled by the remaining members by their appointment and selection of an individual to fill the unexpired term of the vacancy. This appointment shall last only up until the subsequent annual election of Commissioners at which time an individual shall be elected to fill the unexpired remaining term created by the aforesaid vacancy. The individual selected shall be a resident of the fire district and shall comply in all respects with these By-Laws together with all laws, rules and regulations pertaining to the Board.
4. Elections to membership of the Board are regulated by N.J.S.A. 40A:14-70 through N.J.S.A. 40A:14-78, inclusive. All elections to the Board are to be held in compliance with these statutory sections.

**Article IV - Officers**

1. The officers of the Board shall be Chairman, Vice-Chairman, Treasurer, Clerk and Assistant Clerk/Treasurer. These officers shall be elected by the Commissioners from its members at the annual reorganizational meeting each year, which meeting shall be held in accordance with applicable statute. The said officers shall be elected and hold office pursuant to Article III of the By-Laws.

- a. Chairman

The Chairman shall preside at all meetings of the Commissioners and shall have general supervision, direction and control of the affairs of the Board and shall sign all contracts, drafts and checks relative to the Commissioner's general account. Said checks are also to be signed by the Treasurer and a third Commissioner as designated.
- b. Vice-Chairman

The Vice-Chairman shall preside at all meetings of the Board where the Chairman is not in attendance. He shall exercise all of the duties and obligations of the Chairman's office while serving in that capacity, including the right to sign all contracts, drafts and checks relative to the Board's general account.
- c. Treasurer
  - i. The Treasurer shall have the care and custody of and be responsible for all the funds of the Board and shall deposit the same in the name of the Board in such bank or banks as the Board may designate.
  - ii. The Treasurer may, subject to the direction of the Board and in accordance with such requirements for the countersignature as the Board may provide, sign, make, endorse in the name of the Board, together with the Chairman and/or Vice-Chairman and any other third member of the Board as designated, all checks, drafts and orders for payment of money. Said general account checks of the Board shall be executed by the Chairman and/or the Vice-Chairman and the Treasurer and any third member of the Board as designated, and the bond account checks shall be executed by the Chairman and/or Vice-Chairman and the Treasurer and any third member of the Board as designated.
  - iii. The Treasurer may, after approval by the Board, pay all vouchers and approve such requisitions and purchase orders as may be authorized by the Board.
  - iv. The Treasurer shall render a report of the finances of the Board at each regular meeting and at such other times as may be requested.
  - v. The Treasurer shall keep accurate and correct books of account of all business transactions, requisitions, purchase orders, vouchers and invoices as are necessary and incidental to the operation of the business of the Board. The Treasurer shall do and perform all duties of said office.
  - vi. The Treasurer shall give such security for the faithful discharge of his duties as the members may direct and the Regulations require, including a corporate surety bond, premiums for which shall be paid by the Board.
- d. Clerk
  - i. The Clerk shall keep the minutes and records of the Board, prepare the agenda of all meetings in cooperation with the Chairman, provide such notice of meeting to members, arrange proper and legal notice of hearings, attend to correspondence and perform such other duties as are necessary and incidental to the office of Clerk.
  - ii. The Clerk shall be the custodian of the official seal of the Board and shall attest to all documents, resolutions, agreements and obligations.
- e. Assistant Clerk/Treasurer
  - i. The Assistant Clerk/Treasurer shall assist the Clerk and Treasurer in the performance of their duties subsequent to this Article.
  - ii. In the absence or incapacity of either the Clerk or Treasurer the Assistant Clerk/Treasurer shall assume all of the duties and responsibilities of that office.
  - iii. The Assistant Clerk/Treasurer shall perform all other duties as required by the Board from time to time.

2. In the absence of any officer, the Board may, by majority vote of the members present, delegate the powers and duties of each officer to any other officer during the period of such absence.
3. In the event of the absence of both the Chairman and the Vice-Chairman from any meeting, the Board may, by a majority vote of those present, delegate the parliamentary powers of such officer to any other officer present for the purpose of conducting said meeting, the senior member present (said seniority to be determined by the terms of service) shall preside at said meeting.

#### **Article V - Attorney, Auditor and Other Professional Services**

1. The Board shall appoint an attorney, an auditor and such other companies or individuals who shall render professional services to the Board and who shall be paid such compensation as shall be agreed from time to time by the Board.
  - a. Attorney – The Attorney shall furnish the Board all legal services outlined in the attorney’s contract with the Board and, additionally, such legal advice and counsel as shall be requested and shall represent the Board in all legal matters.
  - b. Auditor – The Auditor shall be a registered municipal accountant or a certified public accountant and shall render such auditing or accounting services as may be required by the Board and by law.
2. The Board shall employ and execute an agreement with each entity providing professional services which will outline the services to be provided and the rate of compensation to be paid.
3. In the event that the Board shall find that an entity with which they are dealing with for professional services cannot fulfill their responsibilities, shall default on their contract or for any other reason shall not be able to perform such services, the Board may appoint or retain such other services as they may deem appropriate in order to carry on the business affairs of the Board.

#### **Article VI - Meetings and Quorum**

1. The annual meeting of the Board shall be held at a time and place set forth by the Board and at the first regular meeting on or after March 1<sup>st</sup> of each year. This meeting shall follow the following prescribed format.

##### **Reorganizational Portion of Meeting**

- A. Call to Order – Presided over by Senior Commissioner
- B. Certification of Public Meeting Law.
- C. Roll Call.
- D. Flag Salute.
- E. Swearing in of newly elected Commissioners.
- F. Public recognition of retiring Commissioners.
- G. Election of Board Officers.
- H. Turnover of responsibilities from officer to officer.
- I. Approval of Meeting dates.
- J. Approval of Annual Reorganizational Resolutions.
- K. Appointment of Committees.

##### **Regular portion of Meeting**

- A. Reading and approval of minutes.
- B. Correspondence.
- C. Chief’s Report.

- D. Treasurer's Report.
- E. Reports of Committees.
- F. Old Business.
- G. Approval of Vouchers and Payments.
- H. New Business.
- I. Public Portion.
- J. Roll Call.
- K. Adjournment.

2. The regular meetings of the Board for the transaction of its business shall be agreed to at the Annual Meeting of the Board and shall be duly noticed as per paragraph three (3) of this Article. Generally the meeting of the Board shall be held on the fourth Wednesday night of each month at 7:30pm at the Kingston Fire House on Heathcote Rd., Kingston, NJ.
3. All regular or special meetings held by the Board shall be held in compliance with the Open Public Meetings Act of the State of New Jersey; P.L. 1974, C-231. Notification of said meetings shall be in compliance with said Open Public Meetings Act of the State of New Jersey.
4. A majority of the entire authorized membership of the Board shall constitute a quorum. Action may be taken by the Board by a vote of a majority of the authorized membership.

#### **Article VII – Member Conflicts of Interest**

The Local Government Ethics Law shall control in determining whether a conflict of interest exists concerning an individual Fire Commissioner, however special sensitivity should be exerted by Commissioners, to avoid any possibility of such a conflict of interest arising or being advanced by a member of the public.

#### **Article VIII – Voting Method**

Votes on all motions or resolutions shall be by “Ayes” and “No’s”. No secret ballots shall be used.

#### **Article IX – Committees**

1. It is the policy of the Board to operate as a committee of the whole on matters of policy, decisions and expenditures. However, since the details of the Board are sometimes voluminous in nature, it is the Boards' policy to have members assigned to various committees from which reports can be encapsulated and condensed by the body.
2. The Chairman, during his term of office, may appoint permanent and/or special committees at his discretion for determined periods of time. These appointments shall be concluded at the Annual Meeting and in no event shall exceed the term of office of a particular Commissioner.
3. The function and formation of any committee which is not elsewhere provided for, shall be established by the Chairman and detailed in the minutes of the Board.

## **Article X – Compensation of Commissioners**

1. N.J.S.A. 40A:81.1 et seq. provides for the compensation of Commissioners in such amounts as the Commissioners shall fix subject to review by the Township of South Brunswick, Town Council. Said Commissioners may receive compensation in accordance with said statutory section.
2. Compensation shall be paid to each Commissioner on an agreed upon basis by the Board.
3. The Board shall have the right to review compensation for any particular Commissioner and make adjustments for meeting absence(s), failure to complete committee assignments, failure to perform the duties of the office to which elected and other alterations as they deem fit. Approvals for all compensation matters will be made on a majority basis of the members present.

## **Article XI – Hiring of Employees**

N.J.S.A. 40A:81.1 et seq. authorizes the Board to hire various employees in compliance with that procedure as set forth in said statutes. The Board shall hire employees in compliance with said statute.

## **Article XII – Order of Business**

Regular meetings of the Board shall be conducted using the following general order of business.

- A. Call to Order.
- B. Certification of Public Meeting Law.
- C. Roll Call.
- D. Flag Salute.
- E. Public Portion.
- F. Reading and Approval of Minutes.
- G. Correspondence.
- H. Chief's Report.
- I. Treasurer's Report.
- J. Reports of Committees.
- K. Old Business.
- L. Approval of Vouchers and Payments.
- M. New Business.
- N. Public Portion.
- O. Roll Call.
- P. Adjournment.

Order of business is subject to change at any time prior to the meeting by order of the Chairman or the presiding officer in the event of the incapacity of the Chairman.

### **Article XIII – Amendments**

Upon fourteen (14) days notice to all Commissioners, these By-Laws may be altered, amended or repealed at any regular meeting by two-thirds (2/3) vote of the Commissioners present. Said alteration, amendment or repeal will not be effective until same has been voted by two-thirds (2/3) majority at two subsequent consecutive meeting so of the Board.

### **Article XIV – Appointment and/or review of Appointment and/or Election of Volunteer Fire Company Officers**

The Board, pursuant to New Jersey statutory law, hereby retains the right to review the appointment and/or election by the volunteer fire companies within the fire district pertaining to the positions of Chief and Assistant Chief of the fire company within the guidelines of Section XVI of these By-Laws. This right of review by the Board shall include the right to reject an appointment and/or election of a Chief or Assistant Chief by the volunteer fire company if same is deemed to be unacceptable, as described more fully in Article XVI of these By-Laws.

### **Article XV – Required Attendance at Meetings of the Board of Fire Commissioners of Volunteer Fire Company Chief of His Duly Authorized Representative**

It is hereby required by the Board that the Fire Chief of fire company, or his duly authorized representative, attend all regular and special meetings of the Board unless otherwise excused by the Chairman or presiding officer of the Board.

### **Article XVI – Chief and Assistant Chief**

1. It shall be the duty of the Chief to have full authority at all fires, drills and other fire related matters of the fire company and to have complete supervision of all firefighting apparatus, materials, supplies for the upkeep of the apparatus and any equipment related thereto. In addition, the Chief shall enjoy the statutory authority as set forth in N.J.S.A. 40A:14-54.1.
2. The Chief shall supervise all active members of the fire company in firematics and drills, call drills as he deems necessary, inventory equipment issued to firefighters when deemed necessary and, to the best of his ability, prevent the loss of life and property by fire in accordance with the above powers.
3. Any actions of the Chief or Assistant Chief are subject to review by the Board, and said line officers are specifically subject to disciplinary actions as the Board deems necessary in their sole discretion. Any actions undertaken by the Chief shall be consistent with these By-Laws.
4. At the attendance of the Board meetings, the Chief shall offer a report and any other information required by the Board, specifically including, annually, a written report relative to an inventory of all firefighting equipment. In addition, the Chief shall submit a monthly fire report which shall include the fires and drills, loss of property, equipment or life during the fires and shall be completed on appropriate forms as required by the Board. During the regular January meeting, an annual fire report setting forth a compilation of the above information in a manner satisfactory to the Board shall be provided.
5. The Chief shall further have the power within his discretion to immediately suspend, at any time, any individual from the Fire Company for actions deemed to be detrimental to the safety of the members of the Fire Company. All such suspensions are to be reported to the Board at the next regular meeting with the reasons for the suspension and the period of the suspension.

6. In order to be nominated by the Fire Company and confirmed by the Board to the position of Chief or Assistant Chief, the following qualifications must be satisfied by the member:
  - A. Must have been active in the Fire Company for a minimum of five (5) years.
  - B. Must have served at least one year as a line officer in the Fire Company.
  - C. Must be in good standing in the Fire Company at the time of nomination.
  - D. Must have passed a physical examination and be determined to be in good health.
  - E. Must have attended the NFPA Firefighter I Class or it's equivalent and be certified.
  - F. Must have proven proficiency in fire truck pump operations.
  - G. Must have attended the Incident Command School and be certified.
  - H. Must have attended the Fire Officer's School and be certified.
  - I. Must have attended equivalent schooling or courses as may be mandated from time to time by the State Fire Safety Bureau.
  - J. Must have the ability to read, write and speak the English language.
  - K. Must have a valid New Jersey driver's license during the entire term of his office.
  - L. Must be a citizen of the United States or legally entitled to work in the United States.
7. In the absence of the Chief, the Assistant Chief will be the next in command and will have the same powers and/or authority as vested in the Chief.
8. It shall be the duty of the Assistant Chief to cooperate with the Chief and the Board and to enforce all rules, regulations and orders.

#### **Article XVII – Review of Actions of Chief and Assistant Chief**

1. The Board, consistent with these By-Laws, shall have the right to review all actions of the Chief and Assistant Chief of the Fire Company. Board shall determine the extent of the inquiry and how it is to be conducted. If the Board shall determine to undertake disciplinary action, the reason and recommendations shall be set forth in writing in the form of a resolution and adopted by a majority of the Commissioners present at a regular meeting.
2. The Chief and/or Assistant Chief shall be notified in writing by the Board prior to any disciplinary action or hearing. The Chief and/or the Assistant Chief will be entitled, prior to any resolution of disciplinary action to be taken, or voted upon by the Board, to a hearing before the Board. The hearing will be scheduled upon a minimum of ten (10) days notice to the Chief and/or Assistant Chief who will have the right at said hearing to address the Board and to present any applicable evidence or knowledge of facts they deem important or advisable, prior to a determination of disciplinary action to be taken. The Board reserves the right to conduct the meeting in any manner that they might deem appropriate. The decision of the Board will be final and binding upon the Chief and Assistant Chief.

#### **Article XVIII – Volunteer Fire Company**

Except as specifically mentioned otherwise in these By-Laws, the Volunteer Fire Company described herein is the Kingston Volunteer Fire Company #1, Kingston, NJ.

Adopted May 24, 2000