

# Franklin Township Fire District # 3 Somerset, NJ



## Bylaws

**BYLAWS CODE OF THE COMMISSIONERS OF FIRE DISTRICT NO.3 IN  
THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET**

**ARTICLE I. ADMINISTRATIVE.**

**101. Name of Organization.** The name of this organization, which is a municipal corporation organized under the laws of New Jersey and the ordinances of Franklin Township, is Commissioners of Fire District No.3 in the Township of Franklin, County of Somerset.

**102. Short Title.** References herein to the Commissioners of Fire District No.3 in the Township of Franklin, Somerset County, shall mean and include Franklin Township Fire District No.3, Fire District No.3 and Fire District. The references to the Board of Fire Commissioners shall mean and include Board.

**103. Purpose.** The Board shall have the same powers, duties and functions within said fire district to the same extent as in the case of municipalities, relating to the prevention and extinguishment of fires and the regulation of fire hazards. The purpose shall include all powers and authority granted to fire districts by state law or regulation or by municipal ordinance.

**104. Boundaries.** Attached to this code as Exhibit A is the legal description of the boundaries of Franklin Township Fire District No.3.

**105. Conflict with State Law.** Any provision of this code in conflict with state law or regulation or municipal ordinance shall be void to the extent of such conflict.

**106. Board of Fire Commissioners.**

**106.1.** The Board shall consist of five commissioners, who shall be elected by the voters of the fire district pursuant to state law except when a commissioner is named by the Board to fill a vacancy.

**106.2.** The Board officers shall be Chairman, Vice Chairman, Clerk, Treasurer and Deputy Clerk, Deputy Treasurer.

**106.3.** The officers shall be elected in the following order: Chairman, Vice Chairman, Clerk, Treasurer, Deputy Clerk, Deputy Treasurer.

**106.4.** The Board shall select the officers at the reorganization meeting following the annual election.

**106.5.** No officer may be replaced without being given at least one meeting's notice with the reasons why the Board has intentions to replace him/her, except the Offices of the Clerk and Treasurer, who shall serve one year terms, so long as their job functions are completed.

**106.6.** Commissioners are elected for three year terms, and any appointment to a vacancy shall be for the remainder of the year in which the appointment is made but said vacancy shall be filled at the annual election for the remainder of the unexpired term. In no year, aside from unexpired terms, may more than two commissioners be elected at the annual election.

**106.7.** The annual election shall be held on the third Saturday in February of each year.

**106.8.** The Board shall review the salaries of the Fire Commissioners annually and shall present those salaries to the Franklin Township Council For approval.

**106.9.** Salaries for all Commissioners shall be equal.

**106.10.** Commissioners shall be paid one- twelfth of their annual salary the 15<sup>th</sup> of every month.

**106.11.** For purposes of the payment of Commissioner's salaries, the year shall run concurrent with the annual term or office and commence on the first Tuesday in March, provided that the salary for any Commissioner who has not been duly sworn into office shall be deferred until he has properly taken the oath of office.

**106.12** Commissioners will be issued a Class A Uniform upon their appointment. Alterations and cleaning will be the obligation of the Commissioner. Annually, each commissioner will receive two shirts for the summer and two for the winter. These are to be worn in place of other business attire. At no point will a commissioner wear a shirt favoring one department over the other, unless the shirt is worn one meeting and the other the next.

**106.13.** All terms of officers, regardless of length, shall expire on the first Tuesday in March, 12:00 noon.

**106.14.** Former Commissioners will have 2 weeks to return pager, radio, and Identification card once their term expires along with any other District owned equipment used for their job function.

**106.15** Concluding the oath of office, former commissioners serving two or more terms will be issued badges for their uniform and bell cap at the annual awards dinner or before if said former Commissioner passes away.

### **107. Duties of Officers.**

**107.1.** The Board officers shall perform such duties as are prescribed by law in addition to those specifically directed by the Board in bylaws or resolutions hereafter adopted, provided that none are in conflict with state law or regulation.

**107.2.** The Chairman shall preside over all meetings of the Board, and he shall have the power to appoint committee members as well as to serve as an ex-officio member of each committee as set forth in section **112.9** below. He shall serve as the executive officer of the Board, and he shall exercise those powers that generally are attributable to executive officers.

**107.3.** The Vice Chairman shall perform the duties of the Chairman only in the absence of the Chairman. The Vice Chairman shall also serve as the liaison between the Board and the Franklin Township Department of Public Safety with regard to police-fire matters, including radio communications, provided that if the Vice Chairman is not available to serve as Liaison then the Chairman shall do so.

**107.4.** The Clerk shall accurately record and maintain the minutes of all meetings of the Board and shall provide the Board with such minutes at or before the next regular meeting. He shall receive all communications addressed to the Board and shall arrange for all such communications to be furnished to the other commissioners. He shall publish or post all required public notices and insure compliance with the Open Public Meetings Act. He shall perform such functions regarding the annual and special elections of the Board as are provided by state law, and, with the Treasurer, he shall arrange for receipt of the annual audit from the Board auditor and its publication. He shall perform such other duties as are generally ascribed to the Clerk and those that are required of him by state law or regulation. The Clerk shall be given a petty cash fund of \$150.00 which the Board may replenish from time to time for good cause during the year from the appropriate line item account. The Clerk shall serve as office manager

and shall operate the Board office. All Board hired or appointed employees and contractors shall report to the Clerk. Additionally the Clerk shall be certified in HIPPA Awareness.

**107.5.** The Treasurer shall be the custodian of all moneys of the Fire District, including all moneys that the Board, by law, is authorized to receive. He shall disburse all payments authorized by the Board pursuant to law, but no bill or disbursement shall be paid unless a voucher or warrant is submitted to the Treasurer in proper form. The Treasurer shall be bonded, and the cost of same shall be paid by the Board. The Treasurer shall insure that every expenditure has been authorized pursuant to law prior to his making payment and that adequate funds are available in the appropriate line item account for said purpose. He shall maintain a current list of accounts and shall report at each regular meeting as to the amount in each line item account, including the amount expended from each line item, the amount encumbered and the free balance remaining. He shall cause his books to be audited by the Board auditor, who shall be an RMA or CPA, at least once a year pursuant to statute, and he shall provide the Clerk with a copy of the audit so that the Clerk may publish same as required by law. The Treasurer shall perform such other duties as generally are ascribed to treasurers for municipal corporations.

**107.6.** The Deputy Clerk / Deputy Treasurer shall serve as a substitute for the Clerk or Treasurer in the absence of either one of them, and he shall perform such duties as the Clerk or Treasurer as may be required at such times.

**107.7.** All warrants, vouchers, checks or withdrawals affecting Board funds shall be signed by at least three commissioners, and all checks or withdrawals shall include the Treasurer or Deputy Treasurer as a signatory

**108. Secretary/Business administrator/Purchasing agent.** Apart from the Clerk, if properly authorized by resolution, the Board may employ a secretary, administrative secretary, business administrator, purchasing agent, executive secretary, clerk-typist or clerical assistant . The creation of more than one of said positions is not precluded.

**108.1.** As to any position created pursuant to this section, the duties may include those hereafter set forth, provided that if more than one of the foregoing positions is created and filled, the Clerk may allocate said duties among such persons.

**108.2.** The Clerk may delete any of the listed duties, in his discretion, subject to a board veto.

**108.3.** The business day shall run from 9:00 a.m. to 5:00 p.m. Monday through Friday excluding Federal holidays and those observed in Franklin Township .

**108.4.** Any mail not marked "personal" or similarly marked shall be opened and read and referred to the appropriate commissioner by voice preferably or message as a last resort. Any mail marked "personal" or containing similar marking shall be referred to the specific commissioner to whom it is addressed or, if it is not addressed to anyone specifically, then to the Clerk.

**108.5.** Type purchase orders as authorized by appropriate commissioner.

**108.6.** Take/Record/Transcribe minutes at all regular and special meetings. Type all meeting minutes and forward them to Clerk for proof reading and approval. Forward minutes to Board's attorney and all commissioners within fifteen (15) days from a regular meeting or within **five (5) days** from a special meeting.

- 108.7. Assist the CAD Commissioner by imputing fire reports daily.
- 108.8. Shall be supervised by the Clerk, subject to contrary instructions from the Board.
- 108.9. Provide Clerk with list of all office supplies required to operate office efficiently ensuring that he/she is aware when supplies are low.
- 108.10. Order forms and supplies as directed by Clerk.
- 108.11. Operate and maintain computer, copy machine and all other office equipment.
- 108.12. Assist Treasurer in the processing of vouchers and checks, including payroll.
- 108.13. Forward required payments to federal, state and other governmental agencies.
- 108.14. Will not use foul language at anytime, will dress professionally during working hours and will always be polite and courteous when greeting or receiving all Firefighters and visitors when and directing them to the appropriate commissioner.
- 108.15. Answer phone at Board office and, as appropriate, transfer calls to appropriate commissioner or insure that appropriate commissioner receives message. Inform the Clerk or Commissioners, as the case may be, as to any developments or issues that are deemed appropriate for the Clerk or Commissioners to know about.
- 108.16. Respond to questions from the Commissioners at meetings and only when authorized by the Chairman, respond to questions from the public, at meetings or at any other time.
- 108.17. Post all notices of meetings on both bulletin boards to be maintained at Board office and advise commissioners of dates of all meetings as far in advance as practicable.
- 108.18. Protect office supplies and equipment against use by unauthorized personnel.
- 108.19. Make bank deposits when requested to do so by Clerk or Treasurer.
- 108.20. Distribute copies of all letters and other communications, minutes of meetings, financial reports and other pertinent data to all commissioners and, when appropriate, to the Board auditor and attorney.
- 108.21. Set up and maintain files on a current basis for all fire commissioner matters, including but not limited to vendors, personnel, meetings, finances, legal and correspondence. Maintain all Board records on a current basis.
- 108.22. Issue no statements or comments on behalf of the Board to the public, media or other non-commissioners within Fire District # 3 without specific authorization from the Board with the chairman being notified and at no time speak of Board Business other than with Fire District # 3 Commissioners.
- 108.23. Must contact the Clerk if the office may not be opened or remain opened during the scheduled hours. If Clerk is not available, the Chairman must be notified.
- 108.24. Maintain office area in neat and tidy condition and put away all working materials when leaving office at conclusion of work day
- 108.25. Must secure all papers or documents of a confidential nature and insure that they are not seen by anyone but the commissioners.
- 108.26. Insure that burglar alarm works properly.
- 108.27. Under the Clerk's direction, secure the petty cash box or container and insure that no petty cash funds are removed improperly.
- 108.28. Perform other duties related to secretarial or clerical function as requested by Clerk or by Board.
- 108.28. Be provided with a cell phone in which he/she will keep on their person in the

event he or she must be reached by a Commissioner if an emergency shall arise or additional information is needed.

- 108.29.** Ensure that Business is continually conducted throughout the day.
- 108.30.** Ensure that there is no malingering and that there is no solicitation at anytime.
- 108.31.** Provide each Commissioner with the codes for positions in which they hold, or are requested.
- 108.32.** Ensure that keys are given to each Commissioner upon appointment to office and working with the Treasurer, provide Commissioner with a voucher to purchase a Uniform.
- 108.33.** Provide Clerk with all administrative codes, as well as keys for the entire office including personnel file.
- 108.34.** Be certified in HIPPA Awareness.
- 108.35.** Will provide weekly or monthly a schedule for the Clerk the hours in which firefighters will be coming into the office to be fit for a mask, pick up gear, drop off gear, get ID's, or when cleaning services will be coming to clean the office.
- 108.36.** Respond to requests by each Commissioner as long as it is not contrary to this section, employees contract, or Board's policy.
- 108.37.** Failure to prescribe to the above will result in the following: 1<sup>st</sup> offense, written warning with 2 weeks suspension with no pay. 2<sup>nd</sup> offense, written warning with 4 weeks suspension with no pay. 3<sup>rd</sup> offense, termination.

**109. Secretarial Prerogatives and Benefits.** The person or persons serving in any of the posts described shall be entitled to those benefits and emoluments set forth in the resolution creating the position or as thereafter amended, but the following shall also apply:

- 109.1. Two weeks** paid vacation per year, the timing to be approved by the Clerk unless approved by the Board.
- 109.2.** May work overtime only upon approval of the Clerk and only if funds are available. The Clerk must certify the availability of funds to the Treasurer.
- 109.3.** No responsibility for cleaning bathrooms or meeting room, but must report to Clerk if those facilities are not cleaned or properly maintained.
- 109.4.** If any question arises as to duties or terms of employment, same shall be discussed with the Clerk. A response from the Clerk on any substantive issue shall be in writing, and a copy shall be furnished to each commissioner.
- 109.5.** Minor deviations in the duties as prescribed in this code may be approved by the Clerk.
- 109.6** Shall be permitted to participate in PERS if authorized by law.
- 109.7** When required to use car for Board business, shall receive reimbursement of 40 cents per mile subject to satisfactory documentation of same being provided to the Clerk. Reimbursement is conditioned upon approval by the Clerk.

#### **110. Commissioners' Obligations.**

- 110.1** *Each Commissioner shall be a resident of Fire District # 3 for at least the preceding six years and U.S. Citizen for seven years.*
- 110.2** *Each Commissioner shall at least be 18 years old and a registered voter in Fire District # 3.*
- 110.3** Commissioners at fire scenes are to be liaisons only. At no time will the Commissioner give any verbal commands, or directives that would hinder the

operations of the fire-ground without first consorting with the Command post.

**110.4** Commissioners are to act in a capacity of to which they perform in the ICS system. They may stage in the rehab area to consort with firefighters or distribute within the rehab area refreshments, They may stage at the command post to ensure they are available if need be, or they may walk around as an observer taking notes.

**110.5** Any commissioner who fails to attend more than two consecutive meetings except for good cause, as determined by the other commissioners, shall be disqualified from receiving salary for the next three or more meetings. Furthermore, No Commissioner shall neglect their job duties. The first action to be taken for neglect will be a verbal sanction by the Board publicly with loss of pay for two months. The second, an additional verbal sanction with loss of pay totaling four months. The third, a public hearing calling for the impeachment of the Commissioner based on neglect.

**110.6** Commissioners will complete an ICS 100 and 700 within their first year in office.

### **111. Meetings.**

**111.1.** Work session meetings will be held the Tuesday proceeding the regular meeting, it will begin at 6:00pm. Regular meetings of the Board shall be held on the third Wednesday of each month and shall begin at 6:00 pm.

**111.2.** The time of the meeting may be changed for any particular meeting by the Board by resolution.

**111.3.** Whenever a matter of importance arises that cannot wait for the regular meeting a special meeting may be called by the Chairman or by any two commissioners.

**111.4.** A special meeting may be called by the Board at a regular or special meeting, and in such event no special notice must be given to the Clerk.

**111.5.** Other than as provided in subsection those calling for a special meeting shall submit the date and time of the meeting to the Clerk, who shall arrange for publication of the meeting notice and posting and filing as required by statute.

**111.6** All meetings shall be held at the Board meeting room at 138 Shevchenko Avenue, Somerset, N.J.

**111.7.** Unless a resolution calling for a closed session is adopted by the Board prior to such closed session, all special meetings shall be open to the public, but the call for a special meeting shall indicate whether the public may participate.

**111.8.** Formal action may be taken by the Board at a special meeting only when the public is not barred from participating.

**111.9.** Closed meetings may only be held for the purposes set forth in the Open Public Meetings Act.

**111.10.** Unless changed by motion, the order of business at each regular meeting shall be as follows:

- A. Salute to the flag.
- B. Moment of Silence
- C. Open Public Meetings Act announcement.
- D. Roll call.
- E. Approval of minutes.
- F. Communications (within the reasonable discretion of the Chairman).
- G. Reports from fire chiefs.
- H. Presentation of bills.

- I. Committee and other reports.
- J. Unfinished Business.
- K. New Business.
- L. Treasurer's report.
- M. Public portion.
- N. Adjournment.

**111.11.** In addition to changing the order of business, the Board may insert or delete agenda items.

**111.12.** No item may be placed on the agenda for the meeting that has not been presented at least 48 hours in advance of any meeting to all commissioners unless said item is determined to be an emergency which will require at least three affirmative votes.

**111.13.** In considering the adoption of any resolution or any significant motion the Board may permit public comment, but without such approval no public comment shall be permitted except where comment is permitted by law.

**111.14.** Unless overruled by the Board, the Chairman may limit public discussion by setting maximum amounts of time that each person may speak, whether to comment on a pending matter of business or during the public portion. Such time limit shall be set with relation to the amount of business being conducted by the Board at such meeting, the number of people who wish to be heard on a particular matter and the number of people in attendance at the meeting (potential speakers).

**111.15.** Unless specified otherwise by law or by this Code, all motions shall be approved by a majority of the commissioners present and voting on the question. An abstention shall be deemed to be an absence for purposes of the vote on any particular question.

**111.16.** A quorum shall consist of a majority of the commissioners serving on the Board, and no business may be conducted at any meeting in the absence of a quorum other than to adjourn the meeting because of a lack of a quorum and to set a date and time for a special meeting.

**111.17.** General rules of parliamentary procedure shall apply to every meeting, and the Board attorney shall be asked to rule on all parliamentary questions. A request for a ruling may be made by telephone call.

**111.18.** The Board shall reorganize at the first meeting held subsequent to the annual election, which shall be held on the first Tuesday in March.

**111.19** At the reorganization meeting, the Board officers shall be elected, the official depositories shall be designated, the professional staff shall be appointed and the official newspapers shall be designated.

**111.20.** Unofficial meetings of commissioners or some of them not constituting meetings as defined by the Open Public Meetings Act, with or without other parties, may be held at the Board offices or meeting room so long as such meetings are not in conflict with any scheduled event, 24 hours advance notice has been given to the other Commissioners, the premises are left clean and tidy, no partisan political purpose is served by the meeting and the meeting relates to fire commissioner or fire company interests or business. No meeting may be held without at least one commissioner being present and participating. Use of the room must be arranged through the Clerk, who shall establish reasonable rules governing the use of office or meeting room.



## **112. Committees.**

**112.1.** The following shall be the standing committees:

- A. Maintenance.
- B. Equipment
- C. Training.
- D. Life Insurance / Accident and claim.
- E. Fire Prevention Liaison.
- E. Safety
- F. CAD (Computer Aided Dispatching)
- G. Awards
- H. By Laws
- I. LOSAP
- J. Membership

**112.2.** Each committee shall consist of no less than one nor more than three members, but no Commissioner shall be a member of more than seven standing committees.

**112.3** Each committee shall submit reports from time to time to the Board, which reports shall be authored by or on behalf of the chairman of the committee.

**112.4** The Chairman or the Board shall create such other special committees as may be appropriate, but special committees shall expire on the first Tuesday of March unless terminated sooner by the appointing authority.

**112.5** The chairman and members of each standing committee shall be appointed by the Chairman, but the Chairman and members of special committees shall be designated by the appointing authority.

**112.6.** Except for the safety and training committees, only Commissioners may serve on standing committees, but non-commissioners may be appointed to special committees and to the training and safety committees.

**112.7.** Except for the safety and training committees, a majority of the members of each special committee shall be Commissioners.

**112.8.** No Commissioner shall reject any committee appointment nor fail to serve on any committee without just cause and only when such service on the committee is waived by the Board.

**112.9.** The Chairman shall serve as an ex-officio member of each committee without a vote, and he shall not count as part of the quorum. Nevertheless, the Board may accord the Chairman voting membership on any committee, and in such case he shall be considered part of the quorum.

**112.10.** No special committee may consist of more than seven members.

**112.11.** The bylaws committee shall review the bylaws and make recommendations for amendment at least once every two years, but the bylaws committee shall not be precluded from recommending bylaw amendments at any time. Any proposal by any Commissioner for an amendment to the bylaws shall be presented to the bylaws committee before being moved before the Board. The bylaws committee shall have at least thirty days in which to review and report on any proposed amendments.

**112.12.** All committee meetings shall be governed by general rules of parliamentary procedure.

**112.13.** In addition to committees, one Commissioner shall be delegated as the Board representative to the Bureau of Fire Prevention and one Commissioner shall be

designated as the alternate representative.

**112.14.** Disciplinary matters may be heard by the Board as a committee of the whole or may be referred to a special committee. Disciplinary decisions may only be made by the Board.

**112.15.** Deleted.

**113. Deleted**

**114. Personnel Records.**

**114.1.** The Board shall issue an identification card, in a form approved by the Board, for each person joining the fire company, which card must be issued by the next regular Board meeting following acceptance.

**114.2.** The identification card shall include a photograph, which must be taken at the Board office.

**114.2a** Identification card will be issued for three (3) calendar years to be re-issued following firefighters 3<sup>rd</sup> year anniversary. Additionally, each card will be surrendered to the District following the resignation or termination of the Firefighter.

**114.3.** Each firefighter applicant shall complete an insurance card on a form prescribed by the Board, which shall be submitted to the Board by the fire company with the application.

**115. Applications.**

**115.1.** The application shall indicate which fire company the applicant desires to join.

**115.2.** Following an acceptable interview with the Fire Commissioners during a work session or general meeting, the applicant shall be examined by the Board designated physician.

**115.4.** Following a report that the applicant has been approved following the interview, that he/she has passed the physical examination, the applicant shall be given a complete set of turnout gear and shall be added to the list of those covered by Board insurance.

**115.5** The Board may prescribe a uniform application form, and all applications for membership thereafter shall be submitted on said form.

**115.6.** Reinstatement of a former member shall require another physical examination by the Board's appointed physician.

**116. Worker's Compensation.**

**116.1.** A list of all active members for the preceding year shall be submitted by the President of each fire company by the regular meeting of the Board in February of each year.

**116.2.** Firefighters shall be deemed active members for purposes of this section who have been deemed active by the fire company.

**116.3.** All active members of the fire companies shall be covered by the Board with worker's compensation insurance, and for purposes of this section fire police shall be deemed to be firefighters.

**116.4.** Each fire company President and Fire Chief shall insure compliance with this section.

**117. Budget Requirements.**

**117.1.** Each fire company shall submit a proposed annual budget to the Board by the regular meeting in September, failing in which the Board may establish its own annual budget for the fire company or otherwise limit said fire company's budget proposal,

including but not limited to utilizing the prior year's budget as the budget proposal for the current year.

**117.2** Both with respect to the amount of the fire protection services agreement and an amount to be provided in the budget for firefighting needs, the Board shall attempt to incorporate the proposed budget in the fire district budget to the extent that same is consistent with good fire protection practices, that the expense would not impose an undue burden on the taxpayers of the fire district and that the cost would not preclude inclusion of other necessary expenditures in the budget.

**117.3.** The Treasurer and whatever other Commissioners may assist him shall prepare a preliminary draft of the forthcoming year's budget and present same to the Board at least one week prior to the regular meeting in September

**117.4.** The Chairman shall designate the Board as a committee of the whole or shall appoint a special committee to formulate the budget proposal into an introducible budget, and he shall schedule as many special meetings as are required so that the budget may be introduced no later than the regular meeting in November, whether that be at a regular meeting or at a special meeting called for said purpose.

**117.5.** The public hearing shall be set no later than 28 days after approval from the State of New Jersey, and the resolution of introduction shall include the requirement for notice that must be given for the public hearing, provide that copies of the budget as introduced shall be available for public inspection and give the place, days and times of such availability.

**117.6.** The introduced budget shall conform to State regulations.

**117.7.** In all phases of formulation of the budget, the Treasurer or the Board may utilize the services of the Board accountant, auditor and/or attorney.

**117.8.** The budget adoption process shall conform to the procedures described by statute.

#### 118. IMPEACHMENT OF COMMISSIONER

118.1. The articles of impeachment must be written out describing the offenses in which the individual Commissioner is being charged with.

118.2. Only a Fire Commissioner may bring articles of impeachment to the Board.

118.3 A majority vote is needed to impeach any sitting Commissioner.

118.4. Violations that can warrant impeachment can include but are not limited to bi partisanship, neglect, harassment, and abuse of power.

Commissioner \_\_ (person writing the charges) \_\_\_\_\_

Board of Fire Commissioners Franklin Township Fire District # 3

Date

A Resolution

#### **119-299 [Reserved]**

### **ARTICLE II. FIRE COMPANY AND FIREFIGHTER.**

#### **300. Equipment.**

**300.1.** Within the limits of budgetary constraints, the Board shall attempt to purchase all equipment and apparatus required by the fire companies to properly perform their

firefighting and ancillary functions. Such needs shall be verified by written certification from the fire company Chief and/or President.

**300.2.** "Equipment" as herein used shall mean and include "fire apparatus" and "fire engines", but the latter terms shall not mean and include "equipment".

**300.3.** Equipment acquired by the Board shall be deployed at the discretion of the Board, both at the inception of its use and thereafter.

**300.4.** Equipment acquired by the fire companies may be deployed by the Board only if permission is given by the fire company owning such equipment.

**300.5.** Any equipment may be removed from service by the Board, but the Board shall seek a recommendation from the Fire Chief before doing so.

**300.6.** No equipment shall be purchased or put into service by any fire company without the prior express approval of the Board.

**300.7.** No equipment not designed for firefighting purposes shall be installed or used by any fire company without the prior express approval of the Board.

**300.8.** No fire company nor officer or member thereof shall be reimbursed for repair expenses without the prior express approval of the Board.

**300.9.** Any repairs made to equipment utilized by any fire company shall be reported to the Board prior to the next regular Board meeting.

**300.10.** Fire apparatus or fire engines shall be stored in firehouses pursuant to instructions furnished to each fire company by the Board except where otherwise agreed in the fire protection services agreement.

**300.11.** A complete inventory of equipment shall be furnished by each fire company Chief to the Board annually following the annual election and prior to the regular meeting in March. Said list shall be amended as equipment is added or deleted during the year, and the amendments shall be listed and submitted to the Board prior to the next regular Board meeting subsequent to the addition or deletion. The list shall identify which equipment is owned by the fire district.

**300.12.** No equipment may be used for any purpose other than firefighting, fire prevention or training without the prior express approval of the Board.

### **301. Turnout Gear.**

**301.1.** Every firefighter shall be provided with turnout gear following his completion of his/her physical. All equipment issued to said firefighter will be solely their responsibility for returning back in same condition all equipment issued to them at the conclusion of their membership, or departure from the Fire Company.

**301.2.** All unused coats, pants and boots shall be stored in the Board office.

**301.3.** No gear may be used by any firefighter except that which has been acquired or authorized by the Board. If satisfied that a substitution can be made without impairing the safety of the firefighter or impairing the functions of the fire company, the Board, in individual cases, may waive this requirement.

**301.4.** No firefighter shall engage in firefighting duties, nor ride on a fire apparatus to or from the fire scene without wearing a complete set of turnout gear, including but not limited to District 3 issued helmet, jacket, bunker pants, boots, gloves, hood (properly positioned upon their head), and SCBA equipment. SCBA mask will be properly donned upon entering the hot zone. The Incident Commander will determine when SCBA equipment maybe removed. Masks maybe removed upon entering the safe zone.

**301.5** With the exception of the Chiefs, no turnout gear will be removed from the

firehouse, with the exceptions of drills and training without permission from a fire commissioner or the firefighter's company chief.

**301.6** All turnout gear worn by firefighters shall conform to the NFPA standards governing gear, and if any conflict exists between the instructions of the Fire Chief and those of the Board, the more stringent requirements shall govern.

**302. Accidents.**

**302.1.** Any accident with a fire apparatus or a fire engine shall be reported to insurance Commissioner immediately, or within 24 hours, a faxed accident report shall be submitted to the Board office as well within the 24 hours. A written report by those involved will be submitted within 48 hours.

**302.2.** The Fire Chief will furnish a report analyzing said accident to the Board within seven days.

**303. Driver Qualifications.**

**303.1.** No person may drive a fire apparatus or fire engine who is not at least 21 years of age and who does not possess valid driving privileges in New Jersey or who has not passed a driving test conducted by a Company Officer/Engineer or who has not completed the CEVO training/ or similar offered by the Boards Insurance Carrier. Furthermore, written confirmation by the Chief shall be submitted to the Board notifying us of the new driver. All drivers are to submit to the Board a copy of their license annually.

**303.1a** Any firefighter age 18, or that has not reached age 21, will be permitted to use the District Vans to attend a District preapproved schooling. The sole purpose will be to go to the school and return to the firehouse. The use of lights, sirens or excessive speed will not be tolerated. Responding to a call is strictly forbidden. Any deviation from this addendum will result in immediate dismissal.

**303.2.** All drivers who have reached the age of 62 or has been involved in an accident must be re-certified by a CEVO instructor.

**303.3.** The Fire Chief shall assist the Board in enforcing this section.

**303.4.** All existing drivers who have driven fire apparatus for five years continuous without causing or being responsible for any motor vehicle accident shall be exempt from the requirements of this section except for rectification after age 62.

**303.5. Deleted**

**304. Injuries.**

**304.1.** The Fire Chief shall report any injuries or death of any Firefighter to the Board immediately ensuring the insurance commissioner as well as the Chairman is notified.

**304.2.** A written description of the injury or death shall be furnished by the officer of the fire company involved to the Board and to the chairman of the insurance committee within 24 hours.

**304.2a** Injured firefighters gear, regardless of the extremity of injury, shall be returned to the board office within 48 hours, and stored until the Boards Physician has cleared such said firefighter.

**304.3.** No firefighter who has been injured in any manner or who has suffered from any illness or condition that might interfere with his full ability to participate in firefighting activities, in the discretion of the Board, shall return to active duty without first having been approved for same by a physician designated by the Board for that purpose.

**304.4.** The Board physician shall be directed to approve for membership or return to

active duty only those individuals who, in the opinion of said physician, can engage in firefighting activities or duties without endangering themselves or others, as reasonably anticipated in the performance of those duties, without limitation or condition.

**304.5.** The cost of any physical examination or report required by this section shall be borne by the fire district.

**304.6.** If recommended by the Board physician, the Board shall refer any firefighter to an appropriate specialist or specialists in order to make a final determination of said firefighters fitness to return to active duty. The final decision shall be made by the Board physician after receiving the report of such specialist or specialists.

**304.7.** Said Board physician shall have a reasonably sufficient amount of time in which to make his determination following the examination of the applicant or firefighter.

**304.8.** Any firefighter notified by the Board to submit to a physical examination shall do so within thirty days unless the time is extended by the Board for good cause, failing in which said firefighter shall be barred from returning to active duty for a period of at least two (2) weeks at which time said firefighter may apply for return and be reassigned for the physical examination.

**304.9.** Any firefighter dissatisfied with the determination made by the Board physician may submit reports from other physicians or specialists to the Board physician as an appeal, but said appeal shall be determined solely in the discretion of the Board physician. Such reports must be filed or submitted to the Board physician within thirty days from the date of notification of the decision by the Board physician unless the time is extended by the Board for good cause.

**304.10.** This section shall, apply to any firefighter who has not been approved for return to active service as well as prospectively.

### **305. Schooling.**

**305.1.** All classes or schools which firefighters or applicants shall attend must be approved for firefighter training or instruction.

**305.1a** 0-2 Years of Service (The Basics):

1. Basic courses (if not specified here, to be determined by the Board of Fire Commissioner) Fire Fighter I, Fire Fighter II, Fire Fighter III, Engine Company Operations, Truck Company Operations, Rescue Company Operations, Ropes, Knots, Confined Space, Pump Operations, Safety Driving Course, Bloodborne Pathogens, Right To Know, Free Courses (not to include conventions), Incident Command System 100, 200, 300, Incident Management System 700.

**305.1b** 3-5 Years of Service (Advanced):

All above listed and Fire Officer I, Fire Officer II, Fire Officer III

**305.1c** 5 years-Beyond:

Discretion of Chief pending approval of the Board.

**305.2.** Certificates verifying completion of training classes or instruction must be submitted to the Board.

**305.3.** No firefighter or applicant may attend classes or schooling unless receiving prior approval from the Board.

**305.4.** The Board shall pay the cost of all training or instruction, provided that any firefighter or applicant who does not complete such training or instruction without good cause, as determined by the Board, shall reimburse the Board for the full cost thereof.

**305.5.** The Fire Chief shall report to the Board all firefighters or applicants who have not completed training or instruction prior to the next regular Board meeting.

**306. Line Officers.**

- 306.1.** All officers will have completed the following FFI, Fire Officer, ICS 100, ICS 200, ICS 300 (Level I Certified).
- 306.2.** Lieutenants will have to complete an additional 1 course of their choice per year.
- 306.3.** Captains will have to complete an additional 2 courses of their choice per year.
- 306.4.** Deputy Chiefs will have to complete a Command course with an additional 3 courses of their choice per year.
- 306.5.** Assistant Chiefs will have to complete an additional 2 courses of their choice per year.
- 306.6.** Chiefs will have to complete at least 2 courses of their choice per year.
- 306.7.** No line officer shall be appointed or hold office who is not certified in level one in addition to any amendments the state may require of fire company officers.
- 306.8.** Each fire company shall submit a list of all line and fire company officers prior to the next regular Board meeting following the election or appointment of such officers.
- 306.9.** No line officer can or will be appointed without having all schools and training required by the Board and the State of New Jersey.
- 306.10.** The Chief of his/her designee shall attend every public meeting of the Board of Fire Commissioners excluding executive sessions or special meeting unless summoned.

**Firefighters**

- 307.1** No person may apply to become a firefighter if they live in a town that has volunteer departments or if they live outside of a 5 mile radius from the borders of Franklin Township Fire District No. 3, unless temporarily residing at an accredited learning institution located within a 5 mile radius from the borders of Franklin Township Fire District No. 3, while in attendance at said learning institution. (Proof of attendance and temporary residence at such accredited learning institution must be provided). Any member of Franklin Township Fire District No. 3 who does not reside in the State of New Jersey and who is not a lifetime member will not be covered under the Board of Fire Commissioners insurance policy, will not receive credit(s) for LOSAP\_(Length Of Service Awards Program), will not be issued turnout gear and will not receive training or be compensated for training attended on behalf of the Fire Company.
- 307.3** Active Firefighters who do not answer 10% of the yearly calls without good cause to be determined by the Board. Will not be covered under the Board of Fire Commissioners insurance policy, will not be issued turnout gear, and will not receive training or be compensated for training attended on behalf of the Fire Company.
- 307.4** All personnel will be required to review and update all personal information and insurance forms annually.
- 307.5** New Firefighters are to attend at least 2 public Commissioners Meetings to acquaint themselves with the Board and their function within 3 months of being accepted as a member of District # 3.
- 307.6** All firefighters will be required to follow Board Bylaws and Policy.
- 307.7** No firefighter is to engage in any activity that would bring the Board or his/her fire

company into disrepute.

**307.8** No firefighter is to harass or physically touch another firefighter or person from the general public.

**307.9** All Junior firefighters will be mandated by Board Policy and State Statue.

### **308. Emergency Vehicle Registration.**

**308.1.** No fire apparatus, fire engine or other emergency vehicle may be used for any purpose other than firefighting and fire protection uses outside the fire district without the express written permission of the Board.

**308.2.** . Any such request must be in writing 14 days prior to the Board meeting on a Board form located in the office and must have the purpose, with all information complete. The chief of the other department will be notified, along with the fax of approval to both departments.

### **309. Credit Cards.**

**309.1.** Each Fire Chief shall be issued a credit cards to be used for the purchase of fuel and oil for fire apparatus only and he shall be responsible for said use.

**309.2.** If any expense is charged to a credit card contrary to the requirements established herein, the Board may charge back such expenses against the funds to be paid to the fire company to which the card has been assigned and to deduct those funds from the payment made pursuant to the fire protection services agreement.

### **310. Convention and Meeting Expenses.**

**310.1.** No expense incurred in connection with attendance at conventions, conferences or either meetings shall be paid unless directly related to the interests of the Fire District.

**310.1a** Any firefighter having less than 3 years' service in Franklin Fire District No. 3, will not be eligible to receive compensation for attendance at any convention and will not be entitled to be reimbursed for attendance at any convention.

**310.2.** The Board shall not pay any such expense, either directly or by way of reimbursement, unless the expense was authorized prior to being incurred.

**310.3.** Said authorization must include the amount of the anticipated expense or a maximum thereof, and said authorization is conditioned upon the Treasurer certifying that funds are available for said purpose.

**310.4.** Prior to approval, a properly executed voucher shall be submitted to the Board.

**310.5.** No one shall be reimbursed for any expense item that has not been approved in accordance with the procedure set forth in this section.

**310.6.** Only fire company members, employees and Commissioners are eligible for the payment of their convention, conference or meeting expenses.

**310.7.** No person shall be authorized to serve as a delegate or representative from the Fire District unless approved by the Board.

**310.8.** The Fire Chief shall be responsible for notifying his officers and members of the terms and provisions of this section.

### **311. Fire Reports.**

**311.1.** The Chief of each fire company shall furnish a report after each fire call to the Board, in writing, containing any information required by the State to set forth in said report together with or including the following information for each fire response: The number of the firefighters present at the scene, the type and amount of equipment used,



the time from the alarm to the initial response and then until each fire apparatus has left the scene, the identification of any assisting fire companies or agencies, a listing of any equipment lost or damaged and the names of any persons injured and the nature of those injuries.

**311.2.** The Board may prescribe a specific format for said reports, and in such event, said format shall be used for all monthly reports.

**311.4** Any Commissioner receiving an injury notice shall immediately communicate the contents of same to the insurance Commissioner. The insurance Commissioner will make arrangements with the claim thru our insurance carrier and will then notify the Chairman, or Vice Chair in his/her absence. The Chairman or Vice Chair will then contact all the Commissioners notifying them of the relative fact surrounding the incident/injury.

**311.5** The Fire Chief may delegate someone else within his department the responsibility for preparation of the report required in this section to be submitted to the Board.

## **312 Physicals**

**312.1** All firefighters shall receive mandatory physical examinations as per state law, and in the process of being given such a physical or any test or examination ancillary thereto, all firefighters shall be deemed to be engaged in the performance of firefighters duty.

**312.2** Pre-placement Medical Evaluation will consist of the following:

1. Full medical history.
2. Physical Exam
  - a. vital signs
  - b. dermatological system
  - c. ears, eyes, nose, mouth, throat
  - d. cardiovascular system
  - e. respiratory system
  - f. gastrointestinal system
  - g. genitourinary system
  - h. endocrine and metabolic system
  - i. musculoskeletal system
  - j. neurological system
  - k. audiometry
  - l. visual acuity and peripheral vision
3. Testing to be performed
  - a. electrocardiogram (EKG)
  - b. pulmonary function test (PFT for respiratory clearance)
  - c. audiometry
  - d. vision (far visual & peripheral)
  - e. diagnostic imaging (X-ray)
  - f. laboratory test
    - 1) complete blood count; hematocrit, hemoglobin, MCHC, total WBC, granulocytes, lymphs & monos, platelets
    - 2) comprehensive metabolic test  
albumin, alkaline phosphatase, AST (SGOT), bilirubin total, BUN,

calcium, chloride, creatinine, glucose, potassium, protein total, sodium, A/G ratio, BUN/Crt ratio, globulin.

- 3) lipid panel  
cholesterol, HDL cholesterol, triglycerides, LDL, VLDL
- 4) urinalysis

### **312.3 Yearly Medical Evaluation**

1. Update medical and occupational history
2. Physical exam ( same as listed above)
3. Testing to be performed
  - a) PFT
  - b) EKG
  - c) Audiometry
  - d) Vision; far visual, peripheral

### **312.4 Periodic Medical Evaluation**

This evaluation is designed to evaluate the person's continued ability to perform his or her duties and to detect any other significant changes in the condition of his or her health. This evaluation will be completed on age determination as follows:

- a) 29 years old or younger                      every 3 years
- b) ages 30 39                                      every 2 years
- c) age 40 and older                              every year

This evaluation will be the same as the replacement excluding chest x – ray. Unless risk factors are present. At age 35 a standard stress test will also be preformed if risk factors are present. At age 40+ a standard stress test will be preformed.

**312.5** Any firefighter who does not complete his/her physical examination/testing within the period of time required, as set forth on papers forwarded to said firefighter notifying him/her of said physical examination/testing, shall be subject to the following (**revert to penalties section 314**)

### **313 Alarms**

**313.1** Any firefighter who has not received a certificate in at least Firefighter 1, will not ride on any apparatus to a fire call outside of District 3.

**313.2** Firefighters who have not received their Firefighting I certificate will be able to ride outside of the confines of Fire District # 3 as exterior personnel only, so long as the Alpha Chief gives his/her ok, and the jurisdiction to which the firefighter is going is aware of the firefighters status.

**313.3** Any firefighter who has not received a certificate in at least Has-Mat Awareness, will not ride on any apparatus to a known Hazardous Material situation.

### **314 Penalties for non-compliance with District 3 By-Laws**

#### **314.1 Penalties for non-compliance with section 301.4:**

Will appear before a board of inquiry. The Board of inquiry will consists of at least two (2) Commissioners appointed by the Chairman, if accused by a Commissioner, said Commissioner will not be able to sit on the Board of inquiry. The Chief or the next ranking officer available. The complaintant if not witnessed by a Commissioner and the accused. Once the Board of inquiry has met, they will bring their judgment to the Board for a vote based on their recommendations. 1<sup>st</sup> Offense-Written Warning with suspension, 2<sup>nd</sup>

offense written warning with 1 month suspension, 3<sup>rd</sup> offense, dismissal.

**314.2** Penalties for non-compliance with section 312:

For a first offense, the firefighter will be suspended for a period of fourteen (14) days after completion of said physical examination/testing.

For a second offense, the firefighter will be suspended for a period of thirty (30) days after completion of said physical examination/testing.

Any firefighter who is a second time offender, following said firefighter's first violation of this Section, shall meet with the Board of Fire Commissioners for the purpose of determining what, if any, disciplinary actions(s) should be taken in addition to those specified in Section 312, during which period, said firefighter's gear shall be locked in his or her gear rack until said meeting has taken place.

For a third offense, the firefighter will be suspended for ninety (90) days after completion of said physical examination/testing.

For a fourth offense, the firefighter will be terminated.

If a firefighter is suspended or terminated for reasons stated in Section 312, said firefighter shall be notified of said suspension/termination by Certified U.S. Mail, Return Receipt Requested. In addition, said firefighter's gear shall be removed from the gear rack during the period of suspension, and a written notation shall be placed on the gear rack stating the reason why said firefighter's gear is not on the gear rack. In the case of termination, said written notation as to why the firefighter's gear is not on the gear rack shall remain at the discretion of the Chief.

**314.3** Penalties for non-compliance with section 313.1, 313.2, 313.3:

Will appear before a board of inquiry. The Board of inquiry will consists of at least two (2) Commissioners appointed by the Chairman, if accused by a Commissioner, said Commissioner will not be able to sit on the Board of inquiry. The Chief or the next ranking officer available. The complainant if not witnessed by a Commissioner and the accused. Once the Board of inquiry has met, they will bring their judgment to the Board for a vote based on their recommendations. 1<sup>st</sup> Offense-Written Warning with suspension, 2<sup>nd</sup> offense written warning with 1 month suspension, 3<sup>rd</sup> offense, dismissal.

**314.4** Any Firefighter, Employee (Fulltime or Part-time), Line Officer, Chief ( or next highest rank if Chief is involved) not complying with the By-Laws or resolutions with all entailed set forth by Franklin Township Fire District # 3 will appear before a board of inquiry. The Board of inquiry will consists of at least two (2) Commissioners appointed by the Chairman, if accused by a Commissioner, said Commissioner will not be able to sit on the Board of inquiry. The Chief or the next ranking officer available will be in attendance.

The complainant if not witnessed by a Commissioner and the accused. Once the Board of inquiry has met, they will bring their judgment to the Board for a vote based on their recommendations. 1<sup>st</sup> Offense-Written Warning with 2 weeks suspension, 2<sup>nd</sup> offense written warning with 1 month suspension, 3<sup>rd</sup> offense, dismissal.

### **Appeals**

**315.1** Any person (s) who have been suspended or terminated pursuant to Section 314, shall have the right to appeal said decision to the Board of Fire Commissioners. Said appeal shall be filed in written form not later than one week following the receipt of notification of said decision.

### **Non-Partisan Support**

**316.1** Both CVFC and EFFD shall be non-profit, non partisan and non sectarian and shall not participate in any partisan elections for public office.

### **Complaints**

**317.1** Any complaint to be heard before the Board should be placed in writing, so long as the complaint is not charged by a Commissioner. All complaints will be reviewed and handled in its entirety. No person shall be retaliated against, or punished for making any type of complaint.

### **Insubordination/Disrespect**

**318.1** Disrespect or Insubordination to a Commissioner, or his/her designee will be grounds for termination. Types of disrespect/ insubordination are as follows but are not limited to, profanity used towards a Commissioner, or his/her designee, total disregard for directive being given by a commissioner, or his/her designee, or any other form of disrespect that would render that formal action be taken.

### **Harassment**

**319.1** Harassment of any kind will not be tolerated. Review policy regarding Anti harassment and supplement it with the following: Harassment of any type will not be tolerated, i.e. verbal, mental, antagonizing, etc. The base can be referred to in the District Policy regarding harassment, but to include, "OF ANY KIND, NOT BASED ON JUST RACE, NATIONAL ORIGIN, SEXUAL PREFERENCE, OR DISABILITY, HARRASSMENT OF ANY TYPE WILL BE GROUNDS FOR DISMISSALL" Included but not limited to name calling, slurs, jokes, threats, or retaliation.

### **Recruitment & Retention**

**320.1** Fire companies are to use fire agreement monies to recruit and retain members and maintain facilities in which the apparatus are housed. Annual audits will be done with a portion of the fire agreement money to be issued to the Board before the annual budget meeting, to decide increases or decreases in the amount issued to the departments.

**321- 499 (Reserved)**  
**500.1 DISCRIMINATION**

Franklin Township Fire District # 3 prohibits discrimination of any kind, including but not limited to, job-related action, including recruitment, interviewing, hiring, promotions, discharge, compensation and the terms, conditions and privileges of employment on the basis of any of the law's specified protected categories. These protected categories are: race, creed, color, national origin, nationality, ancestry, age, sex (including pregnancy and sexual harassment), marital status, domestic partnership status, affectional or sexual orientation, atypical hereditary cellular or blood trait, genetic information liability for military service, or mental or physical disability, including AIDS and HIV related illnesses. The Board prohibits intentional discrimination based on any of these characteristics. Intentional discrimination may take the form of differential treatment or statements and conduct that reflect discriminatory animus or bias. Discrimination will not be tolerated and will grounds for termination.

**ARTICLE III. MISCELLANEOUS.**

**501. Gender.** Notwithstanding the use in this Code of any reference to a masculine or feminine, plural or singular form, the provisions of this code are intended to apply to the appropriate gender or number as may be intended by the context of the provision or the factual circumstances to which this Code is applied.

**502. Jurisdiction.** The fire district shall have jurisdiction over the Community Volunteer Fire Co. No.1, Inc. and East Franklin Fire Department, which are volunteer fire companies authorized to operate within the fire district.

**503. Short References.** Reference to fire company or fire companies in this Code shall mean and include, as appropriate, the fire companies within the jurisdiction of the fire district.

**504. Awards.**

**504.1.** A plaque in honor of former fire chiefs shall be presented at the annual awards night following the termination of their Service as Fire Chief.

**504.2** The Board shall conduct an awards night annually.

**504.3.** Following the termination of the term of office of any Fire Commissioner, his name shall be inscribed on a plaque, including his commencing and ending years of service, which shall be maintained permanently in the office or meeting room of the Board.

**504..** All awards must be approved by the Board.

**505. Procedures and Actions**

**505.1.** Any and all procedures and actions to be taken that are not covered in these bylaws the Board will be governed by New Jersey State Statues Title 40:A.

This Revised By Law Program was approved by Motion of the Commissioners of Fire District No. 3, Franklin Township, Somerset County, New Jersey at their regular

business meeting held on September, 2009.

<u>Michael D. Gilliam, Chairman</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Alfred Pinnella, Jr., Vice-Chair</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Vincent J. Inzano, Clerk</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Douglas Krushinski, Treasurer</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
<u>Vacant</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE REVISED BY LAWS APPROVED BY THE COMMISSIONERS OF FIRE DISTRICT NO. 3, FRANKLIN TOWNSHIP, SOMERSET COUNTY, NEW JERSEY AT THEIR REGULAR MEETING ON January 20 , 2010.

VINCENT J. INZANO, CLERK