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

Article I. Administrative

101. Short Title. This Document is entitled the Bylaws of the Board of Fire Commissioners of Fire District No. 3 in the Township of Franklin, County of Somerset (hereinafter the "Bylaws").

102. Name of Organization. Fire District No. 3 in the Township of Franklin, County of Somerset, (the "District") is a municipal corporation organized under the laws of New Jersey and the Ordinances of Franklin Township, is governed by the Board of Commissioners (hereinafter "Board" or "Commissioners").

103. Power and Duties; Purpose of Bylaws. 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 powers shall include all powers and authority granted to fire districts by state law or regulation or by municipal ordinance. The purpose of the Bylaws is to define the internal operation of the District, setting forth the Duties and Responsibilities of the Board and its direct employees.[1]

104. Boundaries. The legal description of the boundaries of Franklin Township Fire District No. 3 is attached to these Bylaws as Exhibit A.

105. Conflict with State Law. Any provision of these Bylaws in conflict with state law or regulation or municipal ordinance shall be void to the extent of such conflict. In the event that any clause, section, paragraph or sentence of these Bylaws is deemed to be invalid or unenforceable for any reason, then the Board hereby declares its intent that the balance of the Bylaws not affected by said invalidity shall remain in full force and effect to the extent that it allows the Board to meet its authorized goals and purpose.

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.

106.1.A When a vacancy exists in the Board, the remaining members shall accept

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[1] The 2014 Amendments to the Bylaws separate the functions of the Board from the policies and procedures concerning the Board's relationship with and contractual obligations concerning the Fire Companies established and recognized within the Fire District

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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.

106.3. The annual Fire District election shall be held on the third Saturday in February of each year unless the date is amended by State Statute.

106.4. The Board shall review the salaries of the Fire Commissioners annually and shall present those salaries to the Franklin Township Council for approval.

106.5. Salaries for all commissioners shall be equal.

106.6. Commissioners shall be paid one-twelfth of their annual salary the 15th of every month.

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

106.8. 106.8. Former Commissioners will have two weeks to return pager, radio, and identification card once their term expires along with any other district owned equipment used for their job function.

107. Appointment of Officers

107.1. The Board shall consist of five (5) Officers including the Chairman, Vice Chairman, Clerk, Treasurer, Deputy Clerk, and Deputy Treasurer who shall each serve a one (1) year term expiring on the first Tuesday in March. All terms of officers, regardless of length, shall expire the first Tuesday in March, 12:00 Noon.

107.2. The Officers shall be elected by majority vote of the members present in the following order: Chairman, Vice Chairman, Clerk, Treasurer, Deputy Clerk, and Deputy Treasurer.

107.3. The Board shall select the Officers at the reorganization meeting following the annual election. In the event of a vacancy in the Office of the Chairman, the Vice Chairman shall be elevated to the position of Chairman until the next reorganization meeting. For all other Officers, the newly appointed member shall assume the vacant position unless a reassignment is required for the effectiveness of the Board and approved by a majority of the Board.

107.4. No Officer may be replaced without being given one meeting's notice with the reasons why the Board has intentions to replace him/her and the right to be heard, except the

Offices of Clerk and Treasurer, who shall serve one year terms, so long their job functions are completed properly by meeting the requirements established by these Bylaws.

108. Duties of officers

108.1. 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.

108.2. 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 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 the Executive Officers.

108.3. The Vice Chairman shall perform the duties of the Chairman only on 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 perform this function.

108.4. 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 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 $300.00 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. The Clerk shall serve as the District's Records Custodian for public records act requests. The Clerk shall recommend permanent or temporary employees to the Board for hiring purposes. All Board hired or appointed employees and contractors shall report to the Clerk. Additionally, the Clerk shall be certified in HIPAA awareness.

108.6. 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 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 statue, and he shall provide the Clerk with a copy of the audit so that the Clerk may publish same required by law. The Treasurer shall perform such other duties as generally are ascribed to treasurers for municipal corporations.

108.7. The Treasurer will be the purchasing agent for the District and will make all necessary purchases.

108.8. The Deputy Clerk/Deputy Treasurer shall serve as 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.

108.9. 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.

108.10. No Commissioner shall obtain a debit card for the District banking accounts in accordance with the law.

Article II. Board Employees

109.1. Secretary. Apart from the Clerk, if properly authorized by resolution, the Board may employ a Secretary, Administrative Secretary, Executive Secretary, clerk-typist, and/or clerical assistant. The creation of more than one of said positions is not precluded. The employees of the Board shall be supervised by the Clerk, subject to contrary instructions from the Board.

109.2 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.

109.3. The clerk may delete any of the listed duties, in his discretion, subject to a board veto.

109.4. Duties and Responsibilities

109.4.A. Man the Board Office during the business day. The business day shall run from 8:30 am to 4:30 pm Monday through Friday excluding federal holidays and those observed by Franklin Township.

109.4.B. Open and distribute mail as necessary. 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.

109.4.C. Type purchase orders as authorized by the appropriate Commissioner.

109.4.D. 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.

109.4.E Assist the CAD Commissioner by inputting fire reports daily.

109.4.F. The Secretary shall provide the Clerk with list of all office supplies required to operate the office efficiently ensuring that he/she is aware when supplies are low.

109.4.G. Order forms and supplies as directed by Clerk.

109.4.H. Operate and maintain computer, copy machine, and all other office equipment.

109.4.I. Assist Treasurer in the processing of vouchers and checks, including payroll.

109.4.J. Forward required payments to federal, state, and other governmental agencies.

109.4.L. 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.

109.4.M. Respond to any questions from the Commissioners at meetings and only when authorized by the Chairman, respond to questions from the public, at meetings or any other time.

109.4.N. 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.

109.4.O. Protect office supplies and equipment against use by unauthorized

personnel.

109.4.P. Make bank deposits when requested to do so by Clerk or Treasurer.

109.4.Q. 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.

109.4.R. 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.

109.4.S. Issue no statements or comments on behalf of the Board to the public, media, or other non-commissioners within Fire District without specific authorization from the Board with the Chairman being notified and at no time speak of Board business other than with Fire District No.3 Commissioners.

109.4.T. Must contact the Clerk if the office may not be opened or remain opened during the scheduled hours. If the Clerk is not available, the Chairman must be notified.

109.4.U. Maintain the office area in neat and tidy condition and put away all working materials when leaving the office at the conclusion of the work day.

109.4.V. Must secure all papers or documents of a confidential nature and insure that they are not seen by anyone but the Commissioners.

109.4.W. Ensure the burglar alarm works properly.

109.4.X. Under the Clerk's direction, secure the petty cash box or container and ensure that no petty cash funds are removed improperly.

109.4.Y. Perform other duties related to secretarial or clerical function as requested by Clerk or Board.

109.4.Z. 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.

109.4.AA. Ensure that business is continually conducted throughout the day.

109.4.BB. Ensure that there is no malingering and that there is no solicitation at any time.

109.4.CC. Provide each Commissioner with the Bylaws, Rules and Regulation, Policies and Procedures for positions in which they hold or are requested.

109.4.DD. Ensure that the keys are given to each Commissioner upon appointment to office and returned when the Commissioner no longer holds office.

109.4.EE. Provide Clerk with all administrative codes, as well as keys for the entire office including personnel file.

109.4.FF. Be certified in HIPAA awareness.

109.4.GG. Will provide a weekly schedule of when firefighters will be in the office for ID cards or mask fit testing. This will be done by appointment only.

109.4.HH. Respond to requests by each Commissioner as long as it is not contrary to this section, employee's contract, or Board's policy.

109.4.II. No responsibility for cleaning the bathrooms or meeting room, but must report to Clerk if those facilities are not cleaned or maintained properly.

109.4.JJ. 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.

109.4.KK. Minor deviations in the duties as described in this section of the Bylaws may be approved by the Clerk.

109.5 Employee Discipline.

109.5.1. Failure to prescribe to the above will result in the following:

1st offense: written warning with two weeks suspension with no pay.

2nd offense: written warning with 4 weeks suspension with no pay.

3rd offense: termination.

109.5.2. Employee discipline shall be determined by the Clerk.

109.5.3. Right to Appeal. An employee wishing to challenge a disciplinary decision by the Clerk may appeal to the Board in writing within five (5) business days of notice of the discipline. The Board may afford the employee a hearing at which time the employee may present such information as the employee deems necessary. The hearing shall be limited to a maximum of one hour. The rules of evidence shall be liberally construed to permit a full presentation of the employee's case. The hearing shall be held within fifteen (15) days of the request. The Board shall issue a final determination with fifteen (15) days of the hearing.

109.6 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:

109.6.A. Two weeks paid vacation per year, the timing to be approved by the Clerk unless approved by the Board.

109.6.B. May work overtime only upon the approval of the Clerk and only if the funds are available. The Clerk must certify the availability of funds to the Treasurer.

109.6.C. Shall be permitted to participate in PERS if authorized by law.

109.6.D. When required to use car for Board business, the employee shall receive reimbursement per federal standards subject to satisfactory documentation of same being provided to the Clerk. Reimbursement is conditioned upon approval of the Clerk.

109.6.E. Full time secretaries shall receive health benefits from a plan chosen by the District.

110. Commissioner obligations

110.1. 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 consulting with the command post.

110.2. Commissioners are to act in a capacity of to which they perform in ICS system. They may stage in the rehab area to interact with firefighters or distribute refreshment within the rehab area. 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.

110.3. Commissioners will complete ICS 700 within their first year in office.

110.4. Commissioners shall be available by cell phone twenty-four hours a day and shall make every effort to respond to all Fire District related calls as they occur.

110.5. Commissioners shall attend all human resource related training mandated for the volunteer fire companies, including but not limited to, training on harassment, discrimination, work place violence, etc. and training on policies and procedures of the Board.

110.6. Deleted.

110.7. Withholding of Payment. If a Commissioner fails to attend mandatory training, nor sit through a recording of the training, the Commissioner's pay shall be withheld until the training is completed.

111. Meetings

111.1. Regular meetings of the Board will be held on the third Wednesday of each month and shall begin at 7:00pm.

111.2. The time of the meeting may be changed for any particular meeting by the Board by resolution and proper notice under the Open Public Meetings Act.

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.

111.5. 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, NJ.

111.7. In case of emergency, meetings may be moved to a location to be determined by the Board upon proper notice to the public.

111.8. All special meetings shall be opened to the public and all for public participation. The Board may determine to hold a portion of the meeting in closed session, excluding the public, upon the passage of a resolution stated the reason for excluding the public and the expected time that the public may be permitted to return.

111.9. Formal action may be taken by the Board at a special meeting during open session.

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

111.11. Unless changes by motion, the order of business at each regular meeting shall be at 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

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

111.13. 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.

111.14. 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.

111.15. 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).

111.16. 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.

111.17. 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 lack of quorum and to set a date and time for a special meeting.

111.18. 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.

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

111.20. 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.

111.21. 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 the 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 claim
E. Fire prevention liaison
F. Cad (computer aided dispatching)
G. Awards
H. Bylaws
I. LOSAP
J. Junior membership
K. Policies and Procedures/ByLaws

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. No more than two voting members of the committee shall meet together without giving official notice.

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 Board.

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 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 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.

112.13. 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.

113. Reserved.

114. Personnel records

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

114.2. 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 at least one Commissioner and a successful background check, the applicant will be sent for a physical examination by the Board Physician. Upon successful completion of all three steps, the applicant will be issued a full set of turnout gear.

115.3. The Board will provide a uniform application form and all applications for membership thereafter shall be submitted on said form.

116. Workers 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 workers compensation insurance and for purposes of this section fire police shall be deemed 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 that 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, provided 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 statue.

Article III. Miscellaneous

Gender. Notwithstanding the use in the Bylaws 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 these Bylaws are applied.

Jurisdiction. The Board shall have jurisdiction over Franklin Township Fire District #3 which also includes Community Volunteer Fire Co. No. 1 and East Franklin Fire Department.

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.

The Commissioners of Fire District No. 3, Franklin Township, Somerset County, New Jersey approved these Bylaws my motion at their regular business meeting held on June 21, 2023.

Janet Natal, Chairwoman	yes	no	abstain	absent
Kenneth Reid, Vice-Chairman	yes	no	abstain	absent
Sherrod Middleton, Clerk	yes	no	abstain	absent
Patricia Ferretti, Treasurer	yes	no	abstain	absent
Fatiima Braxton, Dep. Clerk	yes	no	abstain	absent

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 _____, 2023.

Sherrod Middleton, Clerk