

***FIRE DISTRICT NO. 3***  
TOWNSHIP OF HANOVER, COUNTY OF MORRIS

**COMMISSIONER BY-LAWS**

Rev. November 4, 2021

**ARTICLE I: SEAL**

- (1) The official seal of The Fire Commissioners of Hanover Township Fire District No. 3 in the Township of Hanover, County of Morris (hereinafter referred to as the Commissioners) shall consist of an embossed impression of a circular metallic disc containing, in the outer rim, the words "The Commissioners of Fire District No. 3, the Township of Hanover and the County of Morris"

**ARTICLE II: GENERAL POWERS**

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

**ARTICLE III: MEMBERS**

- (1) N.J.S.A. 40A:14-70 states that the elected Commissioners shall divide themselves into three classes of members. The first class of members shall consist of two members to be elected for terms of one year each. The second class of members shall consist of two members to be elected for terms of two years each. The third class of members shall

consist of one member to be elected for a term of three years. Upon the expiration of said terms, said successors to the Commissioners shall be elected for terms of three years.

- (2) If a vacancy shall occur in the membership of said Commissioners, said vacancy shall be filled by the remaining members until the next succeeding annual election, at which time, a resident of the fire district shall be elected for the unexpired term.
- (3) Elections to membership to the Commissioners are regulated by N.J.S.A. 40A:14-70 through N.J.S.A. 40A:14-78, inclusive. All elections for membership to the Commissioners are to be held in compliance with said statutory sections.

#### **ARTICLE IV: OFFICERS**

- (1) The officers of the Commissioners shall be a Chairperson, Vice Chairperson, Secretary, Treasurer and Clerk. These officers shall be elected by the Commissioners from its members at the annual reorganization meeting each year. This meeting shall be held on the first Tuesday of March. Appointed Officers shall be elected to and hold office for a period of one (1) year.
- (2) In the absence of any officer, the Commissioners may, by a majority vote of the members present, delegate the powers and duties of each officer to any other officer or member during the period of such absence.
- (3) In the event of the absence of both the Chairperson and the Vice Chairperson from any meeting, the senior member present (said seniority to be determined by the terms of continuous service) shall preside at said meeting.

- (4) The presiding officer at any meeting of the Commissioners, including the Chairperson and Vice Chairperson, shall have the right to vote.

## **ARTICLE V: OFFICER DUTIES AND RESPONSIBILITIES**

### **The Chairperson Shall:**

- (1) Preside at all meetings of the Commissioners.
- (2) Have administrative oversight of the Fire District
- (3) As deemed necessary, delegate administrative duties to an Administrator employed by the District for that purpose.
- (4) Have general supervision, direction and control of the affairs of the Commissioners
- (5) Work with the Fire Chief/Fire Official on all aspects of firefighting, however not to be responsible for day-to-day Emergency Operations which is the Fire Chief's primary responsibility
- (6) Be the liaison between the career staff and the Commissioners unless he/she has designated a Committee to do this.
- (7) Sign all contracts, drafts and checks relative to the Commissioners' general account. Said checks are also to be signed by the Treasurer and a third member of the Commissioners as designated. Two signatures may be utilized on payroll checks and on other checks issued by the Fire District as deemed necessary.
- (8) Assign Commissioners to committees as he/she see fit. (Chairperson shall be an Absentee/Alternate member of all Committees )
- (9) Shall be the spokesperson for the board if contacted by the media

**The Vice Chairperson Shall:**

- (1) Assume the duties of the Chairperson in his/her absence.
- (2) Sign Checks.

**The Secretary Shall:**

- (1) Keep the minutes and records of the Commissioners, prepare the agenda of all meetings in cooperation with the Chairperson, provide notice of meetings to members, arrange proper and legal notice of hearings, attend to correspondence and perform such other duties as are necessary and incidental to the office of Secretary.
- (2) Be the custodian of the official seal of the Commissioners and shall attest to all documents, resolutions, agreements and obligations.
- (3) Sign Checks.
- (4) Arrange the Fire District Elections in years that the current Clerk is up for election.

**The Treasurer:**

- (1) Shall have care and custody of and be responsible for all funds of the Commissioners and shall cause to be deposited the same in the name of the Commissioners in such bank or banks as the Commissioners may designate.
- (2) May, subject to the direction of the Commissioners and in accordance with such requirements for countersignature as the Commissioners may provide, sign, make and endorse in the name of the Commissioners, together with the Chairperson or the Vice Chairperson and the Treasurer and any third member of the Commissioners as designated, all checks, drafts and orders for payment of money. Said general account checks of the Commissioners shall be executed by the Chairperson and/or the Vice Chairperson and the

- Treasurer and any third member of the Commissioners as designated, and the bond account checks shall be executed by the Chairperson and/or the Vice Chairperson and the Treasurer and any third member of the Commissioners as designated.
- (3) Shall, after the approval by the Commissioners, pay all vouchers and approve such requisitions and purchase orders as may be authorized by the Commissioners.
  - (4) Shall render a report of the finances of the Commissioners at each regular meeting and at such other times as may be requested.
  - (5) Shall make regular reports to the entirety of the Board as to the District's annual budget status.
  - (6) Shall keep, or cause to be kept, accurate and correct books of accounts of all business transactions, requisitions, vouchers and invoices as are necessary and incidental to the operation of the business of the Commissioners. The Treasurer shall perform all duties incidental to said office.
  - (7) The Treasurer may delegate all necessary financial operations to a bookkeeper, so employed by the Fire District, for the continuity of day-to-day financial operations and record keeping.
  - (8) Shall, as required by the Board, give such security for the faithful discharge of his duties as the members may direct, including a corporate surety bond, premiums for which shall be paid by the Commissioners.
  - (9) The Treasurer shall Chair a committee whose express purpose is to develop a succeeding year's budget. The Treasurer shall provide regular progress reports of said committee to the entirety of the Board during the budgetary process, in accordance with Title 40A.

**The Clerk Shall:**

- (1) Arrange the Fire District Elections. (as stated above the Secretary shall arrange for elections on years when the current Clerk is up for election)
- (2) Sign checks
- (3) Shall oversee the administration of the Fire District's website so as to ensure conformity with N.J.S.A. 40A:14-70.2

**ARTICLE VI: ATTORNEY, AUDITOR**

- (1) The Commissioners shall appoint attorneys and an auditor, as appropriate, who shall be paid such compensation as the Commissioners may approve.
- (2) The attorneys shall furnish the Commissioners with all legal services outlined in the attorneys' contract with the Commissioners and, additionally, such legal advice and counsel as shall be requested and shall represent the Commissioners in all legal matters as directed by the Board.
- (3) All contact with the Attorneys shall be made by, or with the prior approval of the Chairperson. There shall be no discussions with the Board Attorneys relating to Board matters without such prior approval.
- (4) In the absence of the Chairperson appropriate legal counsel can be contacted by a Commissioner with the approval of the majority of the remaining members of the Board.

- (5) Specific committee chairpersons whose responsibility requires the advice of legal counsel in a timely fashion, shall be authorized to contact appropriate counsel when and if need be, and shall report such contact at the next regularly scheduled meeting.
- (6) The auditor shall be a registered municipal accountant or a certified public accountant and shall render such auditing or accounting services as may be required by the Commissioners and by law.
  - a) The Auditor may act as the Accountant to the Board under the strict provision that he/she is not directly involved in formulating the District's Budget.

#### **ARTICLE VII: MEETINGS AND QUORUM**

- (1) The annual reorganization meeting of the Commissioners for the election of officers and for the transaction of such other business as may come before the Commissioners shall be held at 7:00 p.m. on the first Tuesday of March after the regular election in each year.
- (2) The Commissioners shall meet on the first and third Thursdays of each month, except when the scheduling of such a meeting would conflict with a recognized holiday. These meetings shall begin at 7:00 P.M. At these meetings the Commissioners shall act on any business brought before the Board.
- (3) These meetings shall be published and held in accordance with the applicable provisions of the Open Public Meetings Act of the State of New Jersey; N.J.S.A. 10:4-6 et. Seq.
- (4) Three commissioners shall constitute a quorum. Action may be taken by the Commissioners by a vote of the majority of the Board.

**ARTICLE VIII: SPECIAL MEETINGS**

- (1) In addition to those required by law, the Commissioners may, at their discretion, hold public hearings which they deem to be in the public interest.
- (2) A record of those who appear and who give testimony to the Board shall be kept. However, formal proofs will not be required without prior notice thereof to the parties in interest.

**ARTICLE IX: CONFLICTS OF INTEREST**

- (1) The Local Government Ethics Law, N.J.S.A. 40A:9-22.1 et. Seq. shall control in determining whether a conflict of interest exists concerning a Fire Commissioner.

**ARTICLE X: VOTING METHOD**

- (1) Votes on all motions or resolutions shall be by "ayes" and "nays". No secret ballots shall be used.

**ARTICLE XI: COMMITTEES**

- (1) It is the policy of the Commissioners to operate as a committee of the whole on matters of policy, decisions and expenditures. However, since the business of the Fire District is sometimes voluminous in nature, it is the policy of the Board to have members assigned to one or more committee(s) in order to operate more efficiently.



- (2) The Chairperson, during his/her term in office, may appoint permanent and/or special committees at his/her discretion for determined periods of time. These appointments shall not exceed the term of office by any member.
- (3) The function and formation of said committees shall be as so established by the Chairperson.
- (4) Committees may include a Committee Chair as designated by the Board's Chairperson, and shall include one other Board member and members or employees of the District as designated by the Committee's Chair.
- (5) No committee shall meet in violation of the Open Public Meetings Act. Any committee requiring the attendance of more than two Board members, or any committee holding any public hearing, as shall be deemed within its scope, shall duly announce said meeting or hearing in accordance with Law.
- (6) Standing committees shall include but not be limited to:
  - a. **EMS Committee** who shall be responsible for reporting on the status and needs of the providing of Emergency Medical Services to the community. The committee shall make recommendations with regards to equipment needs and shall report financial income and expenses.
  - b. **Personnel Committee** shall be responsible for the oversight of the Policies and Procedures Manual including the development of any and all regulations and guidelines for career and volunteer personnel and for the guidelines for application and membership to the Fire District. The committee shall also cause to be investigated any charges against a member of the District as referred by the Chief

or his/her designee, and shall coordinate any hearings or legal representation as required by the nature of the allegations.

- c. **Negotiations Committee** shall be responsible for any discussions or negotiations concerning any Collective Bargaining Agreement with any representative body of the employees of the Fire District. The Committee shall act and report any progress to the Board and shall seek the consent and approval of the Board to amend or to craft any successor agreement.
- d. **Liaison to Volunteers** shall act as a go between for the Board and the Cedar Knolls Fire Department, Inc. ensuring communication between both.
- e. **Buildings and Grounds Committee** shall report on any matters of concern or need in the maintenance and or any improvements of the facilities owned and operated by the Board. The Committee shall cause any major repairs, alterations or improvements of facilities to be duly researched and shall report any findings, or recommendation to the Board in its entirety.
- f. **Apparatus/Equipment Maintenance Committee** shall report on any matters of concern or need in maintenance or any improvements to apparatus owned or operated by the Board, The Committee shall cause any purchases of any equipment or apparatus to be duly researched and shall report any findings, or recommendation to the Board in its entirety.
- g. **Insurance Committee** shall cause to ensure that the District is protected in all property and liability matters as well as healthcare and workers compensation or other insurance as required by the Board or by law. The committee shall review all

coverage annually and shall investigate alternatives when appropriate. The committee shall also record and investigate any claims against any policy and shall report same to the Board in its entirety.

- h. **Communications Committee** shall review any and all issues involving emergency and non-emergency communications facilities. The committee shall investigate any concerns regarding communications matters and shall make recommendations to the Board concerning same. The Committee shall annually review the Emergency Communications Provider and make recommendations to the Board.
- i. **By-Laws Committee** shall regularly review the standing by-laws of the Board ensuring their effectiveness and compliance with laws and regulations. The Committee shall recommend any and all changes to the Board of Fire Commissioners.
- j. **Website Committee** shall regularly review the services provided to the Board by third-party contractors to ensure the effectiveness and efficiency of the District's Website. The Board shall maintain website compliance in accordance with applicable state regulations.
- k. **Planning Committee** shall formulate a short and long-term strategy for the Fire District including but not limited to facilities, personnel and apparatus and equipment. This Committee shall coordinate its efforts with the Budget Committee as needed. Additionally, the Committee shall periodically review the benefits or detractions of consolidating the Fire Districts of the Township, and shall be authorized to meet with representatives of Fire District No.2 and/or the Township

of Hanover in the furtherance of this matter. Similarly the Committee shall report any progress of any such effort to the Board.

- l. **Liaison to Exempts Committee** shall act as an avenue of communications between the Firefighters' Exempt Association and the Board ensuring that all concerns of either body are adequately addressed with the other.
- m. **Records Retention Committee** shall be responsible for ensuring that all records are maintained in conformity with applicable law. Similarly the Committee shall periodically review and recommend for destruction any records that may be disposed of.
- n. **Liaison to the Township Committee** shall be responsible for maintaining an open line of communications between the administration and governing body of the Township of Hanover and the Board in order to relate any concerns from either body to the other. The liaison shall report any significant events to the Board.

## **ARTICLE XII: COMPENSATION FOR COMMISSIONERS**

- (1) N.J.S.A. 40A:14-88 provides for compensation for Commissioners in such amounts as the Commissioners shall approve.

## **ARTICLE XIII: HIRING OF EMPLOYEES**

- (1) The Commissioners shall create positions and hire various employees in compliance with N.J.S.A. 40A-81.1 et. Seq.

#### **ARTICLE XIV: ORDER OF BUSINESS**

- 1) Call to Order
- 2) Pledge of Allegiance / Moment of Silence
- 3) Statement of Compliance with Open Public Meetings Act
- 4) Roll Call
- 5) Public Session
- 6) Correspondence
- 7) Approval of Previous Minutes
- 8) Report of the Treasurer
- 9) Report of the Fire Chief and Board Committees
- 10) Old Business
- 11) New Business
- 12) Public Session
- 13) Resolutions
- 14) Executive Session if needed
- 15) Adjournment

Order of business may change at any time prior to or during said meeting by order of the Chairperson, and with the concurrence of the Board.

**ARTICLE XV: AMENDMENTS**

- (1) These by-laws may be altered, amended or repealed at any regular meeting by four-fifths vote of the full Board upon 14 days' notice to all members of such desired alteration, amendment or repeal. Said alteration, amendment or repeal will not be effective until same has been voted upon at two consecutive public meetings by the Commissioners and subsequently adopted by said Commissioners.
- (2) Roberts Rules of Order shall be the official publication followed for meeting structure and order for anything not specifically covered in this document.

**ARTICLE XVI: FIRE DISTRICT OFFICERS**

- (1) The Commissioners, pursuant to New Jersey statutory law, do hereby retain the right to appoint and remove all Fire and EMS Line Officers of the Fire District. These officers are specifically defined as Assistant Chief(s), Captain(s), and Lieutenant(s). These appointments will be made annually in accordance with the recommendations of ~~in the~~ ~~discretion~~ of the Fire Chief.

**ARTICLE XVII: REQUIRED ATTENDANCE**

- (1) It is hereby required by the Commissioners that the Fire Chief/Fire Official of the Fire District, or his/her duly authorized representative, attend all Commissioners' meetings which are held on the First and Thursday of each month at 7:00 P.M., unless otherwise specified by the Commissioners.

- (2) It is further requested that the said Fire Chief/Fire Official, or his duly authorized representative, shall be required to attend all special meetings of the Commissioners when notified in advance.
- (3) The Fire Chief /Fire Official shall submit a Monthly Activity report prior to each Commissioners' meeting.
- (4) The Fire Chief/Fire Official shall submit any changes to the Mission Document, Operational Guidelines, Regulations, Policies and Procedures Manual to the Fire Commissioners for their review.
- (5) It is hereby required by the Commissioners that the Administrator of the Fire District shall attend all Commissioners' meetings which are held on the First and Third Thursdays of each month at 7:00 p.m., unless otherwise specified by the Commissioners.
- (6) The Administrator shall also be required to attend all special meetings of the Commissioners when notified in advance.

#### **ARTICLE XVIII: FIRE DISTRICT VOLUNTEER EMPLOYEES**

- (1) The Commissioners of the Fire District shall approve or disapprove all applications for volunteer employment in the Fire District as recommended by the Fire Chief or his/her designee.
- (2) All persons applying for employment in a volunteer Fire or Emergency Medical Services capacity shall meet all of the requirements of said position and shall have passed a physical evaluation and criminal background investigation as required by law and the District's

Policies and Procedures Manual, and an employment background check as required by the Board of Fire Commissioners.

- (3) Any volunteer employee resigning or terminated from their position, either shall have their employment status memorialized by resolution by the Board of Fire Commissioners indicating the effective date of termination or resignation.

#### **XVIV: RESIDENCY OF FIRE COMMISSIONERS**

- (1) Any Commissioner, elected pursuant to the provisions of Title 40A of the State of New Jersey, shall maintain a primary residency within the confines of the Fire District for the entirety of his/her term.

#### **XVV: EXIT INTERVIEWS**

- (1) Exit interviews shall be conducted for individuals resigning from the Fire District (Career Staff or Volunteer). Exit interviews for volunteers shall be conducted by the President of the Fire Company. Exit interviews for career personnel shall be conducted by the Board Administrator.