



THE BOARD OF FIRE COMMISSIONERS

District #2, Tinton Falls

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NEW JERSEY

The Commissioners of Fire District No.2
Borough of Tinton Falls, County of Monmouth

BY-LAWS

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The Commissioners of Fire District No.2
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Article I. SEAL

Section 1.01 The Official seal of the Fire Commissioners of Fire District No.2 in the Borough of Tinton Falls (herein 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.2, in the Borough of Tinton Falls, County of Monmouth

Article II. GENERAL POWERS

Section 2.01 The Commissioners are created pursuant to N.J.S.A 40A:14-70. The general powers of the Commissioners are set forth in N.J.S.A. 40A:14, et seq.

Article III. MEMBERS

Section 3.01 N.J.S.A. 40A:14-70 states that the 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 expiration of said terms, said successors to the Commissioners shall be elected for terms of three years.

Section 3.02 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.

Section 3.03 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

Section 4.01 The officers of the Commissioner shall be a President, Vice President, Secretary, Treasurer and Assistant Secretary. These officers shall be elected by the Commissioners from its members at the annual organization meeting each year, which meeting shall be held on the first regular meeting after the election regarding Commissioner membership, which is held every year. The said officers shall be elected to and hold office pursuant to Article III referenced above.

Section 4.02 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 time of such absence.

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Section 4.03 In the event of the absence of both the President and the Vice President from any meeting, the Commissioners may, by a majority vote of those present, delegate the parliamentary powers of such officer to any other officer or member present for the purpose of conducting Commissioner business at such meeting. If said President and the Vice President are absent from said meeting, the senior member present (said seniority to be determined by the terms of continuous service) shall preside at said meeting.

Article V. PRESIDENT AND VICE PRESIDENT

Section 5.01 The President shall preside at all meetings of the Commissioners and shall have general supervision, direction and control of the affairs of the Commissioners and shall sign all contracts, drafts and checks relative to the Commissioners' general account. Said checks are also to be signed by the Treasurer and by a third member of the Commissioners as designated.

Section 5.02 The Vice President shall, in the absence of the President, assume all duties and powers of the President.

Section 5.03 The presiding officer at any meeting of the Commissioners, including the President and Vice President, shall have the right to vote.

Article VI. SECRETARY AND ASSISTANT SECRETARY

Section 6.01 The Secretary shall keep the minutes and the records of the Commissioners, prepare the agenda of all meetings in cooperation of the President, 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.

Section 6.02 In addition, the Secretary shall be the custodian of the official seal of the Commissioners and shall attest to all documents, resolutions, agreements and obligations.

Section 6.03 The Assistant Secretary shall, in the absence or incapacity of the Secretary, assume all duties and powers of the Secretary.

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Article VII. TREASURER

Section 7.01 The Treasurer shall care and custody of and be responsible for all funds of the Commissioners and shall deposit the same in the name of the Commissioners in such bank or banks as the Commissioners may designate.

Section 7.02 The Treasurer 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 Commissions, together with the President and/or the Vice President 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 President and/or the Vice President and the Treasurer and any third member of the Commissioners as designated and the bond account checks shall be executed by the President and/or the Vice President and the Treasurer and any third member of the Commissioners as designated.

Section 7.03 The Treasurer may, after approval by the Commissioners, pay all vouchers and approve such requisitions and purchase orders as may be authorized by the Commissioners.

Section 7.04 The Treasurer may render a report of the finances of the Commissioners at each regular meeting and at such other times as may be requested.

Section 7.05 The Treasurer shall keep accurate and correct books of account of all business transactions, requisitions, purchase orders, vouchers, and invoices as are necessary and incidental to the operation of the business of the Commissioners. The Treasurer shall do and perform all duties incidental to the office of Treasurer.

Section 7.06 When required by the Commissioners, the Treasurer shall 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.

Article VIII. ATTORNEY, AUDITOR AND ENGINEER

Section 8.01 The Commissioners shall appoint an attorney, and auditor and an engineer, as appropriate, who shall be paid such compensation as the Commissioners may, from time to time, provide.

Section 8.02 The attorney shall furnish the Commissioners all legal services outlined in the attorney's contract with the Commissioners and, additionally, such legal advice and counsel as shall be requested and shall represent the Commissioners in all legal matters.

Section 8.03 The auditor shall be a registered municipal accountant or a certified public accountant and shall register such auditing or accounting services as may be required by the Commissioners and the law.

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Section 8.04 The engineer shall be a licensed professional engineer and shall render such engineering services as outlined in the engineer's contract with the commissioners and, additionally, shall render such engineering and consulting services as may be required by the Commissioners.

Article IX. MEETINGS AND QUORUM

Section 9.01 The annual organizational 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 8P.M. on the Thursday following the regular election in each year.

Section 9.02 The regular meetings of the Commissioners for the transaction of its business shall be held on the first Thursday of each month at 8 PM.

Section 9.03 All regular or special meetings held by the Commissioners shall be held in compliance with the Open Public Meeting Act of the State of New Jersey, P.L. 1974, C-231. Notification of said meetings shall be in compliance with said Open Public Meetings Act of the State of New Jersey.

Section 9.04 A majority of the entire authorized membership of the Commissioners shall constitute a quorum. Action may be taken by the Commissioners by a vote of a majority of the authorized membership.

Article X. HEARINGS

Section 10.01 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.

Section 10.02 Notice of such hearings shall be published once in a newspaper of general circulation in the Asbury Park Press at least five days prior to the date thereof and such notice shall be posted in a prominent place in the Borough Hall Building.

Section 10.03 A record of those appearing shall be kept. However, formal proofs will not be required without prior notice thereof to the parties in interest.

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Article XI. MEMBER CONFLICTS OF INTEREST

Section 11.01 A member shall not have any direct pecuniary interest in a contract with the fire district, nor shall he furnish directly any labor, equipment or supplies to the fire district in exchange for any monetary compensation.

Section 11.02 In the event that a member is employed by a corporation or business, or has a secondary interest in a corporation or business which furnishes goods or services to the fire district, the member shall declare his interest and refrain from bidding or voting upon the question of contracting with that company.

Section 11.03 It is not the intent of this policy to prevent this fire district from contracting with corporations or businesses where a member is an employee of same. This policy is designed to prevent placing a member in a position where his interest in the fire district and his interest in his place of employment or other indirect interest may conflict and to avoid appearances of conflicts of interest even though such conflict may not exist.

Article XII. VOTING METHOD

Section 12.01 Votes on all motions or resolutions shall be by “ayes” and “noes”. No secret ballots shall be used.

Article XIII. COMMITTEES

Section 13.01 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 details of the Commissioners are sometimes voluminous in nature, it is the Commissioners’ policy to have members assigned to one committee so concentrated efforts may be spent on a particular segment of Commissioner work.

Section 13.02 The President, during his term in office, may appoint permanent and/or special committees at his discretion for determined periods of time. These appointments shall not exceed the term of office by any member.

Section 13.03 The function and formation of said committees shall be as so established by the President.

Article XIV. COMPENSATION FOR MEMBERS

Section 14.01 N.J.S.A. 40A:14-70 provides for compensation for members in such amounts as the commissioners shall fix subject to review by the borough. Said members may receive compensation in accordance with said statutory section.

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Article XV. HIRING OF EMPLOYEES

Section 15.01 N.J.S.A. 40A:81.1 et seq. authorizes the Commissioners to hire various employees in compliance with that procedure as set forth in said statutes. The commissioners shall hire employees in compliance with said statute.

Article XVI. ORDER BUSINESS

- (1) Call to order
- (2) Roll Call
- (3) Certification of Public Meeting law.
- (4) Reading of minutes from previous meetings.
- (5) Correspondence.
- (6) Development report.
- (7) Old business.
- (8) New business.
- (9) Public participation.
- (10) Payment of bills.
- (11) Adjournment.

Section 16.01 Order of business is subject to change at any time prior to said meeting by order of the President or the Vice President in the absence or incapacity of the President.

Article XVII. AMENDMENTS

Section 17.01 These by-laws may be altered, amended or repealed at any regular meeting by four-fifths vote of the membership 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 meetings by the Commissioners and subsequently adopted by said Commissioners.

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**Article XVIII. APPOINTMENT AND/OR REVIEW OF APPOINTMENT AND/OR
ELECTION OF VOLUNTEER FIRE COMPANY OFFICERS.**

Section 18.01 The Commissioners, pursuant to New Jersey statutory law, do hereby retain the right to appoint and/or review the appointment and/or election by volunteer fire companies within the fire district of line officers relative to said fire companies. These line officers are specifically defined as Chief, Assistant Chief, Captain, and Lieutenant. This right of review by the Commissioners shall include the right to reject an appointment and/or election of a line officer by the volunteer fire companies if same is deemed to be undesirable by the Commissioners.

**Article XIX. REQUIRED ATTENDANCE AT MEETINGS OF THE COMMISSIONERS OF
VOLUNTEER FIRE COMPANY FIRE CHIEF OR HIS DULY AUTHORIZED
REPRESENTATIVE**

Section 19.01 It is hereby required by the Commissioners that the Fire Chief of the volunteer fire company within the fire district, or his duly authorized representative, attend all Commissioners' meetings which are to be held on the first Thursday of each month at 8 P.M., unless otherwise specified by the Commissioners.

Section 19.02 It is further specifically determined by the Commissioners that the said Fire Chief, or his duly authorized representative, shall be required to attend all further meetings of the Commissioners when notified within a reasonable period of time at the discretion of the Commissioners.