

RESOLUTION 2022 - 81

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF
MOUNT ARLINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY,
APPROVING THE AMENDED BY-LAWS OF THE
MOUNT ARLINGTON FIRE AND RESCUE COMPANY**

WHEREAS, the Borough of Mount Arlington, County of Morris (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough’s Governing Body adopted an ordinance creating the Mt. Arlington Fire Company, Inc., now the Mt. Arlington Fire and Rescue Company (the “**Company**”); and

WHEREAS, the ordinance provides that the Company shall establish and maintain By-Laws for its operation and governance; and

WHEREAS, the Company last revised their By-Laws in 1979; and

WHEREAS, the Company established a By-Law Committee to review and make recommendations regarding amendments to the By-Laws; and

WHEREAS, the Company has reviewed same and made the recommended revisions to the By-Laws; and


WHEREAS, the form of the revised By-Laws attached to this resolution as **Exhibit A** is the final form of By-Laws for the Company; and

WHEREAS, the Borough desires to approve the revised By-Laws.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE BOROUGH OF MOUNT ARLINGTON AS FOLLOWS:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The form of By-Laws attached to this resolution as **Exhibit A** is hereby approved.
3. The Municipal Clerk shall forward a copy of this resolution to both the Chief and President of the Mt. Arlington Fire and Rescue Company.
4. Any amendments and or revisions to these By-Laws are ineffective unless and until approved by the Governing Body of the Borough of Mount Arlington.
5. This resolution shall take effect immediately.

I HEREBY CERTIFY this to be a true and correct Resolution of the Mayor and Borough Council of the Borough of Mount Arlington and adopted on May 17, 2022.

A handwritten signature in black ink, appearing to read 'M. N. Bansch', written over a horizontal line.

Matthew N. Bansch, Borough Clerk

Exhibit A



MT. ARLINGTON FIRE AND RESCUE COMPANY BY LAWS

ARTICLE I NAME

This Volunteer Fire Department was established pursuant to Borough of Mt. Arlington Code § 4-15 et seq. "Fire Department". The name of the company shall be the Mt. Arlington Fire and Rescue Company, referred to in this document as the "Company".

ARTICLE II PURPOSE AND OBJECTIVE

SECTION 1.

To establish and maintain a general fund, for the financial support of all causes deemed appropriate by the members within the limits of the law and the Company's power and authority.

SECTION 2.

To offer moral and ethical support to all causes deemed appropriate by the members within the limits of the law and the Company's power and authority.

ARTICLE III ORGANIZATION

The organizational structure of the company shall consist of a Board of Trustees, Administrative Officers, Line Officers and Committees.

ARTICLE IV BOARD OF TRUSTEES

Section 1.

Membership: The Board of Trustees shall consist of five (5) active or active exempt members, who have been in good standing with the company for at least five (5) years.

Section 2.

Terms: The terms of office shall be the following: Trustee A and B shall each initially serve a term of one (1) calendar year. After this term has been satisfied, Trustee A and B shall each serve a term of two (2) consecutive years. Trustees C, D and E shall each serve a term of two (2) consecutive years. Trustees shall be elected in accordance with Article III of these By Laws.

Section 3.

Slate: Each calendar year the Board of Trustees shall appoint their Board President, Vice-President, Secretary and Treasurer. If the Board of Trustees is in agreement, they may have the Company's Treasurer serve as their Treasurer as well. The chosen slate shall fulfill their position to the

best of their ability, and in the description of job duties given by their title. They shall establish a list of board meetings, no less than two (2) meetings to be held per year. At the January meeting, the Board Secretary will submit to the Company the results of both the Board Slate and the scheduled meetings for the year, which will be read to the membership and noted in the minutes.

Section 4.

Duties: The Board of Trustees shall have the duties that include, but are not limited to, overseeing any and all deposits, disbursements and supervising all the financial affairs of the Company. They shall audit all bills and approve or reject the same. A minimum of two (2) Trustees must approve all bills for payment prior to disbursement of the Company's funds. They shall audit the books of the company semi-annually and give a report of their findings to the membership. They shall also be entrusted with the inventory of all property and equipment owned by or used by the company, and ensure the maintenance of said property and equipment is up to date and regular. Once every twelve (12) months, inventory reports will be recorded by the company recording secretary with copies issued to the Chief and the Board of Trustees. They will also ensure that the conduct and functioning of all members are in the best interest of the Company and the Borough of Mt. Arlington.

Section 5.

Vacancies: Should a vacancy occur on the Board of Trustees, the position shall be filled for the unexpired term at the next regular meeting by way of ballot by eligible voting members. The Board will then, within seven (7) days, reorganize their slate if necessary.

ARTICLE V ADMINISTRATIVE OFFICERS

Section 1.

Membership: The Administrative Officers shall be composed of Active, Active Exempt or Honorary Exempt Members. The positions shall be President, Vice-President, Recording Secretary Assistant Secretary and Treasurer.

Section 2.

Terms: The Administrative Officers shall serve a term of one (1) calendar year.

Section 3.

Duties:

President: The President shall be the Chief Executive Officer of the Company and an ex-officio member of all committees of the Company. The President's duties shall include but not limited to presiding at all meetings, enforce all laws, rules and usages of the Company, decide all points of order, act as Judge, call meetings as necessary and appoint all committees at the February meeting. The President shall see that all officers and committees properly perform their respective duties and perform such duties as the law of the Company may direct.

Vice-President: The Vice-President shall assist the President in conducting any and all business of the company in every possible way. The Vice-President shall assume all the power and duties of the President in his/her absence. He/She shall assist in the business of the Company in every possible way.

Recording Secretary: The Recording Secretary shall have the duties including but not limited to maintaining a roster of the membership, record all proceedings at all meetings, read all correspondence, conduct all roll calls, issue appropriate correspondence and assist in the business of the Company in every possible way.

Assistant Secretary: The Assistant Secretary shall assume all of the duties of the Recording Secretary when required by the Recording Secretary's absence and assist in the business of

the Company in every possible way.

Treasurer: The Treasurer shall have the duties including but not limited to maintaining all financial records, making and recording all deposits, expensing monies at the direction of the Board of Trustees with proper approval from the Board of Trustees and/or the membership and to provide a monthly report at regular meetings. He/She shall provide any and all information pertaining to the financial books and records upon request of the Board of Trustees. At the termination of his/her term, for whatever the reason, he/she shall turn over all books, records, receipts, monies and property of the Company to the President. He/She shall also assist in the business of the Company in every possible way.

Section 4.

Vacancies: All vacancies occurring among the officers shall be filled by the members of the Company within seven (7) days of the occurrence. Vacancies shall be filled for the unexpired term only.

ARTICLE VI LINE OFFICERS

Section 1.

Membership: The Line Officers of the Company shall be composed of Active Members. They shall consist of a Chief, Assistant Chief, Captain, 1st Lieutenant and 2nd Lieutenant. The Line Officers shall serve for one (1) calendar year upon confirmation by the Borough Council.

Section 2. Chief: Being number one in the chain of command, the Chief shall be Incident Commander at any/all fire service-related incidents within the Borough of Mt. Arlington. He/She shall have the duties including but not limited to being responsible for the safety and assigning of all personnel, to ensure the mitigation of all fire service-related incidents; to document, report and file all proper incident reports as they pertain to incidents, drills, training or otherwise as required by law. To ensure that members are properly trained and keep documentation of such training, to ensure that all equipment is inventoried, maintained in proper order and is service ready. He/She shall be in charge of all personnel reporting for duty, responding to and operating at all incidents, as well as all of the duties in and around the Firehouses, in coordination with President of the Company. He/She shall attend the regular and special meetings of the Company and report any and all statistics and information that pertains to the line operations of the Company. He/She shall preside at all meetings in the absence of the President and Vice-President, and attend any and all meetings having business with the Morris County Fire, Mutual Aid, Chiefs or any other meetings or matters that require his/her presence as the Fire Chief of the Borough of Mt. Arlington. The Chief shall be vested with the power to immediately suspend any member for reasons that are related to safety, operations or behavior from the Company. The Chief, as soon as possible after this action, shall contact the Chair of the Vigilance Committee to report his action for further investigation.

Assistant Chief: Number Two in the chain of command, the Assistant Chief shall assume any/all duties and responsibilities of the Fire Chief in his/her absence. The Assistant Chief shall also assist the Chief in any and all ways the Chief deems fit.

Captain: Number Three in the chain of command, the Captain shall be charged with any and all responsibilities assigned by his/her superior officers. The Captain will also be accountable for the inventory and shall submit said report at the December meeting. The Captain shall assume any and all duties in the absence of the Assistant Chief or Chief. The Captain shall assist in any and all ways his/her supervisor deems fit.

1st Lieutenant: Number 4 in the chain of command, the 1st Lieutenant shall be charged with any and all responsibilities assigned by his/her supervisors. The 1st Lieutenant shall assume any and all duties in the absence of the Captain, Assistant Chief and Chief. The 1st Lieutenant shall assist in

any and all ways his/her supervisors deem fit.

2nd Lieutenant: Number 5 in the chain of command, the 2nd Lieutenant shall be charged with any and all responsibilities assigned by his/her supervisors. He/she shall be accountable for the readiness of the apparatus and equipment at all times and report any conditions of same to his/her supervisors. The 2nd Lieutenant shall assume any and all duties in the absence of the 1st Lieutenant, Captain, Assistant Chief and Chief. The 2nd Lieutenant shall assist in any and all ways his/her supervisors deem fit.

Section 3.

Vacancies: All vacancies occurring among the Line Officers shall be filled by qualified members, appointed by the Line Officers, within seven (7) days. Vacancies shall be filled for the unexpired term only.

ARTICLE VII COMMITTEES

Section 1.

Types of Committees: There shall be permanent and Ad Hoc Committees as required to conduct company business and operations. The four permanent committees shall be: Auditing, Vigilance, Nominating and Rules and Regulations Committees. Except for the Nominating Committee which shall be appointed by the President at the September meeting, these committees shall be appointed by the newly elected President, as soon as feasible, following the annual meeting. The appointments shall be announced at the February meeting. These Committees shall serve a term specified by the President. Each Committee shall have a Chairperson appointed by the President. Vacancies will be filled for the unexpired terms as they occur.

Section 2.

Duties:

Auditing Committee: Shall consist of three (3) active or active exempt members who are not members of the Board of Trustees, the Treasurer or any group whose financial records they have the responsibility to audit. The Auditing Committee shall examine the financial records pertaining to company operations of the Board of Trustees, the Treasurer and any other person having responsibility for any of the Company funds. A report of the findings of these audits shall be made to the membership and recorded. The Auditing Committee shall have the authority to require those whose accounts they audit to establish record keeping procedures of good practice and provide a clear record of all transactions.

Nominating Committee: Shall consist of five (5) active or active exempt members. The Nominating Committee shall present a slate of qualified candidates for all elected company officers at the regular November meeting. They shall attempt to obtain a minimum of two (2) qualified candidates for each open office. Company members intending to run for office shall notify the committee with a letter of intent. All candidates presented shall be in compliance with all required certifications and qualifications for that position. The annual election of Officers and Trustees shall be held at the annual meeting of the Company, overseen by the Nominating Committee. The term of the Nominating Committee shall be from the day of appointment to the day after the regular November meeting in the same calendar year.

Vigilance Committee: Shall consist of five (5) active or active exempt members. The Vigilance Committee shall be responsible for the acceptance, investigation and interview for all new applicants seeking membership. The Committee will determine applicant's character, general reputation and competency to fulfill the requirements of membership and report same to the Company at the next regular meeting as to "favorable or unfavorable" for membership. The Vigilance Committee,

after receiving any and all information as to the qualifications, certifications, training, etc. for officers, shall investigate and confirm that all officers have the proper qualifications, certifications, training, etc. for their respective ranks and same qualifications, certifications, training, etc. does not expire during the service of their term. The Vigilance Committee's findings shall be reported to the Company at any meeting immediately following any of their investigations. The Vigilance Committee shall be responsible for any and all cases of misconduct by members as brought to them by either the President or Chief, or in a case involving the President or Chief, by any competent member of the Company. The Vigilance Committee after validating the allegations, shall make a recommendation to the membership at the next regular meeting. A decision will be made to (A) a specified fine (B) suspension for a period of time (C) expulsion from the Company or (D) no action taken. Recommendation shall be made and voted on as it pertains in Article VIII, Section 4.

Rules and Regulations Committee: Shall consist of three (3) active or active exempt members, one (1) who will serve as the Committee's Recording Secretary. The Rules and Regulations Committee shall document and post all Rules and Regulations as adopted in accordance with Article XIII.

Special Committees: All Special Committee Chairs and members shall be appointed by the President, with members numbering enough to fulfill said Committee's functions. Special Committees shall function until their goals are completed or as governed by these By-Laws.

ARTICLE VIII MEMBERSHIP

Section 1.

Membership Requirements: Prospective members must satisfy the following criteria:

- (1) Must be residents within five (5) miles of any border of the Borough of Mt. Arlington;
- (2) Must be at least 18 years of age;
- (3) Must be in good mental and physical condition; and
- (4) Must be of good moral character, with no criminal record.

Prospective members shall apply to the Company via written application available at the Main Firehouse or mtafd26.com and be subject to all Volunteer service requirements as set forth by the Borough of Mt. Arlington. After meeting all requirements, the prospective members will meet with the Vigilance Committee for an interview. Only upon completion of this criteria will said prospective member be notified as to the results of membership. The Vigilance Committee shall investigate the applicant and report at the next regular Company meeting on the desirability of accepting the applicant for membership.

Section 2.

Classes of Membership: The membership shall be divided into five (5) classifications which will be associate, active, active exempt, honorary exempt, and honorary. All members shall be elected to the Company by ballot by the active and active exempt members. A secret ballot may be requested by any voting member. All members are required to maintain their annual percentages as stipulated herein. All members with the exemption of honorary and honorary exempt shall maintain residency within five (5) miles of any border of the Borough of Mt. Arlington.

- A. **ASSOCIATE MEMBER:** A member of the Company who has not yet completed and passed an approved and accredited New Jersey Fire Training School. Associate membership status shall

be maintained for a minimum of one (1) calendar year, during which the said member shall attend, complete and pass an approved and accredited New Jersey Fire Training School. Failure to satisfy the requirements of an associate member within one (1) calendar year will prompt the Vigilance Committee to meet with said member to discuss and determine appropriate action.

- B. **ACTIVE MEMBER:** A member of the Company who has completed the associate member criteria and has been approved by the Mayor and Council. Approval for active membership, authorized by the Chief and recommended by the Board of Trustees, entitles the member to a uniform and badge. Active members shall maintain sixty (60) percent of calls, drills, and details collectively.
- C. **ACTIVE EXEMPT MEMBER:** Active members who serve for seven (7) years shall automatically be deemed active exempt members. Active exempt members shall be required to maintain thirty (30) percent of calls, drills, and details collectively.
- D. **HONORARY EXEMPT MEMBER:** Any active exempt member may elect to serve as an honorary exempt member. Honorary exempt members are not required to maintain any percentage of calls, drills, or details and retain their uniform and badge.
- E. **HONORARY MEMBER:** the Company, by resolution, may elect any person to honorary membership for actions considered to be worthy of recognition. the Company may similarly recognize any person for anticipated services that will benefit the Company. There are no percentage requirements for honorary members.

Section 3.

Members in good standing: All members upon their appointment will be considered members in good standing until otherwise proven. Members will conduct themselves and function with the best interest of the Company and in compliance with the Borough of Mt. Arlington Personnel Policies and Procedures and Volunteer Handbook or other applicable Borough policies.

Section 4.

Members not in good standing: By way of example and not limitation, any member who misappropriates company funds, misrepresents himself/herself and his/her actions go against the interest of the members and the Company, whose actions are detrimental to the members and the Company or brings disgrace or shame upon a member of the Company can be deemed a member not in good standing after the following proceedings:

- i. The Vigilance Committee, after validating the allegations, shall make a recommendation to the membership at the next regular meeting: (A) a specified fine; (B) suspension for a period of time; (C) expulsion from the Company; or (D) no action taken.
- ii. A secret cast ballot voting process by the members present at the next regular meeting shall ratify or reject the recommended action. A 2/3 majority is required to implement the recommended action.
- iii. In the event of a recommended action rejection, alternate recommended actions may be made by the floor at the time of the rejection vote announcement. The alternate recommended actions must be made in the form of a motion and receive a second, at which time a secret cast ballot voting process will be held. A 2/3 majority is required to impose the recommended action.
- iv. The said member will be notified in writing of the charges at least one (1) week prior to the vote. If the member is suspended or expelled, the member will forfeit all rights and claims against the company during the suspension or expulsion. If the member is

expelled from the Company, said member shall be barred from any future application for membership. Any member who resigns from or who is convicted of a criminal action shall cease to be a member of the Company shall forfeit all rights and claims against the Company.

Section 5.

Duties and Privileges: All Associate, Active and Active Exempt members shall respond to alarms as soon as possible to one of the Fire Houses. Members shall don their PPE and board the respective apparatus for a response. Of the members present for response, the member in charge (preferably in the Officers seat) shall be, in succession, an officer, certified past officers, certified members in order of seniority, members according to seniority, etc. Active and Active Exempt members have the right to vote on all company matters. Associate members have the right to vote on all company matters excluding election of officers, membership, balloting and disciplinary matters. Honorary Exempt members may not vote unless they hold an administrative office. They can participate in all company functions except acting in the role of a firefighter for purposes of calls or drills. Honorary members can only participate in social functions of the Company.

Section 6.

Leaves of Absence: A member in good standing may request a leave of absence, in writing, to the Company giving detailed reasons for the request. A request for leave shall not exceed one (1) year. the Company shall review requests and make recommendations at the next regular meeting. A leave of absence will be reviewed at the end of the leave period by the Company and they will consider requests for extensions.

ARTICLE IX MEETINGS

Section 1.

Attendance: Honorary members shall not attend any company meeting unless otherwise specified by the membership.

Section 2.

Annual Meeting: The annual meeting of the Company shall be held on the first (1st) Monday of December each calendar year at eight o'clock (8:00) PM, at the regular meeting room of the Company. Election of Officers and Trustees shall occur at this meeting. If for any reason this meeting cannot be held, it will be postponed to the immediate next regular meeting.

Section 3.

Regular Meeting: The regular meeting shall be held on the second (2nd) Monday of each month at seven thirty (7:30) PM at the regular meeting room of the Company.

Section 4.

Special Meeting: Special meetings of the Company shall be called by the Recording Secretary upon the request of the President, Chief, any three (3) Officers or any ten (10) active members. Said meeting will be posted a minimum of seven (7) calendar days with time and location specified if not in the regular meeting room of the Company.

Section 5.

Quorum: A minimum of 15 active and/or active exempt members must be present in order for a meeting to have minutes and business to be conducted.

Section 6.

Conduct: In order to speak, a member must rise and address the presiding officer and await recognition. Members may only speak twice on the same subject unless given unanimous consent. Members shall refrain from speaking on political or religious subjects. Profanity will not be used nor will disorderly conduct be allowed. Members shall be courteous and remain silent when another member has the floor except to call the speaker to order.

Section 7.

Voting: Unless specified otherwise, resolutions and motions shall be passed by a majority vote. Voting may be by voice, standing vote, show of hands, or paper ballot. All eligible members should vote when a vote is called.

ARTICLE X EQUIPMENT

Section 1.

Personal Protective and Paging Equipment: Each member assigned personal protective equipment and/or paging equipment will be responsible for said equipment and report to his/her superiors any damage and or deficiencies. Said member shall return to the company and/all assigned equipment within fifteen (15) days of any of the following: suspension, dismissal, resignation and/or any extended leave that could result in suspension, dismissal and/or resignation. One (1) written request by the Company to return said equipment shall be made. If said equipment is not returned within seven (7) days of the request, the matter will be turned over by the Chief or the President to the Borough of Mt. Arlington Administration for any further action they may deem necessary.

Section 2.

Company Equipment: No member shall be in possession of any company equipment without the consent of a Line Officer and/or President of the Company. Failure to return said equipment will be brought to the attention of the Borough of Mt. Arlington Administration by the Chief or the President for any further action they may deem necessary.

ARTICLE XI RULES AND REGULATIONS

Section 1.

Adherence: All members shall be given a copy of the rules and regulations. All members shall at all times adhere to all rules and regulations of the Company. Failure to do so will result in suspension and/or dismissal.

Section 2.

Changes: All changes to the Rules and Regulations shall be made at a regular meeting and be passed by a majority vote of the voting members. A copy of every change shall be given to each member upon its adoption.

ARTICLE XII RESIGNATIONS

Section 1.

Procedure: Any member wishing to resign from the Company shall submit said resignation in writing to the President, who will then send a copy to both the Chief and the Borough of Mount Arlington Administration.

ARTICLE XIII DISOLUTION

Section 1.

the Company shall not dissolve or disband if a majority of active and active exempt members desire to continue in existence.

**ARTICLE XIV
AMENDMENTS**

Section 1.

Procedure: Any member in good standing may propose amendments to Constitution and By Laws. The proposed change shall be submitted in writing at a regular meeting. A discussion on the proposed change shall be opened at said meeting. A second discussion will be opened at the next regular meeting. The proposed change will be voted on at the close of discussion at this second (2nd) regular meeting by all eligible voting members. A two third (2/3) majority of the ballots cast by members is required to approve the proposed change.

**ARTICLE XV
REMOVAL OF AN ELECTED OR APPOINTED OFFICIAL**

Section 1.

An elected or appointed official may be removed from their respective title for any of the following including but not limited to; misrepresentation of funds, breach of trust, violating the constitution and By Laws of the Company or immoral conduct. Written charges outlining the offense and signed by four (4) members in good standing must be filed with the Executive Board of the Administrative Officers and the Vigilance Committee. These members shall review the charges against the elected/appointed official. The elected/appointed official will have fifteen (15) days after receiving the notice to respond to the allegations. The elected/appointed official's response shall be in writing or by appearance before the reviewing board. The Board shall notify the membership of any recommended action to be taken and at the next regular meeting the voting membership shall by two thirds (2/3) vote, remove or retain the elected/appointed official.

**ARTICLE XVI
RULES OF ORDER**

Section 1.

All business transacted at all meetings shall be according to the Parliamentary Rules that govern deliberative bodies. In the event of any dispute, reference shall be made to "Robert's Rules of Order".

**ARTICLE XVII
GOVERNING SUSPENSIONS**

Section 1.

The Constitution and By Laws of the Company shall not at any time be suspended on any pretext whatsoever.

Section 2.

"Robert's Rules of Order" shall be the guide in rules of procedures and debate when it does not conflict with any law or rule of this company, and shall remain in the custody of the Recording Secretary at all times.

**ARTICLE XVIII
JUNIOR FIREMEN'S AUXILIARY**

Section 1.

Membership: No person shall be eligible for membership in the Junior Firemen's Auxiliary who is less than 16 or more than 18 years of age. Persons between the ages of 16 and 18 shall be required

to obtain permission to join the Auxiliary from their parents or guardian. Such permission shall be in writing and acknowledged or proved in the manner required by law for deeds to real estate to be recorded.

Applicants for membership must be a citizen of the United States, be of good moral character, and be in good mental and physical condition. Applicants must have no criminal record and reside in the Borough of Mount Arlington. The Vigilance Committee must approve an applicant for junior membership.

Section 2.

Rules and Regulations:

- A. Junior members will be supervised by the Chief and President who shall prescribe their duties.
- B. Junior members may only ride in the cab of the apparatus.
- C. No junior member shall be required to perform duties which would expose him to the same degree of hazard as a regular member of the Company.
- D. Junior members shall maintain a passing grade in school or face suspension from the program.
- E. Junior members shall leave the firehouse no later than 10:00 PM except by permission of the Chief or President and parental consent. Junior members shall not respond to alarms after 10:00 PM or before 6:00 AM. During school recess (*i.e.* summer vacation, more than two consecutive days off, not weekends) juniors can respond to all calls with the Chief's and parental approval.
- F. Junior members shall be issued a badge and key.
- G. Junior members shall maintain the following percentages: Department Functions 10%, Company Functions 30%..

ARTICLE XIX ORDER OF BUSINESS

Flag Salute
Moment of Silence
Roll Call
Reading of Minutes
Reading of Communications
Second Roll Call
Report of Officers
Report of Committees (General)
Report of Committees (Specific)
Report of Trustees
Unfinished Business
New Business
Good and Welfare
Order to Adjourn