

**BOARD OF FIRE COMMISSIONERS
FRANKLIN TOWNSHIP FIRE DISTRICT #1
HUNTERDON COUNTY**

**ROLE OF THE BOARD OF
COMMISSIONERS
POWERS, PURPOSE, DUTIES**

- IV. Finance
- V. Equipment
- VI. Personnel
- VII. Buildings & Grounds

Commissioners shall be appointed and chairpersons designated by the President as soon after the annual reorganization meeting as possible.

Committees shall appropriate administration and staff and be receptive to input from other committees, individual Commissioners, administrative staff and community members.

The President, with consent of the Board, shall appoint such ad hoc Board committees as may seem necessary.

The President shall be an ex-officio member of each committee. At the request of the President, the Vice President shall serve in his/her stead. No more than two Board members shall attend any committee meeting unless it is properly constituted as an emergency meeting or a meeting open to the public with notification as required by the New Jersey Open Public Meetings Act. N.J.S.A 10:4-6 et seq.

- D. BOARD COMMISSIONERS – In order to pursue its mandated charge of fire prevention and the regulation of fire and fire hazards within the District and also to protect the public's financial investment within the District, the Board will, from time to time, engage the services of a qualified professional consultant to provide new insights and ideas for dealing with especially difficult problems and/or provide special services which the Board and/or Administration is unable to provide.

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E. BOARD MEMBERS – Board membership is an elected position. Board members may not be paid employees of the District.

Each Commissioner of the Board shall:

- I. Be guided by an unswerving devotion to the public welfare;
- II. Serve all the residents of the community impartially;
- III. Function as a cooperating member of a policy-making body rather than an administrative body;
- IV. Become familiar in a broad and nontechnical manner with the problems of the District;
- V. Refer, as far as possible, all complaints and requests to the appropriate Commissioner of the District;
- VI. Help to frame policies and plans only after considering the recommendations of the appropriate officer, consultants and the like together with his/her reasons for making such recommendations;
- VII. Work to establish clearly defined written policies based on a thorough understanding of the needs of the Fire District;
- VIII. Insist on conducting official Board business in open meetings. N.J.S.A. 40A:14-88, N.J.S.A 10:4-6 et seq.

F. FIRE BOARD ELECTIONS – As required by law, Commissioners of the Board are elected by the District at large at the annual election held on a date determined by state law. Members are chosen for three (3)

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years from candidates who have filed the necessary petition with the Board Secretary. A Board member may succeed himself/herself. All such elections shall be held in accordance with law. N.J.S.A. 40A:14-72, N.J.S.A 40A:14-70

G. FILLING VACANCIES – In the event of a Commissioner vacancy, the vacancy shall be filled by the remaining Commissioners until the next succeeding annual election at which time a resident of the District shall be elected for the unexpired term. Such appointment shall be made after the following:

H. I. Advertisement of the vacancy in suitable local media:

II. Resumes submitted to the Board Secretary in writing;

III. Interviews with interested parties conducted by an ad hoc committee of the Board appointed for the purpose;

IV. Recommendation by the ad hoc committee to the Board acting as a committee as a whole

V. Recommendation by the ad hoc committee to the Board acting as a committee as a whole

I. BOARD COMMISSIONERS DEVELOPMENT IN SERVICE – State, regional and national workshops, conventions, conferences and seminars provide unique opportunities for Board Commissioners to broaden their understanding of their responsibilities, learn new tools and techniques for coping with them and keep up to date on fire trends. Therefore, the Board recommends that the Board send representatives to workshops, conventions and seminars as they shall decide upon each year.

To help members develop understanding of the Fire District needs, the President shall request members of the staff to appear before the Board from time to time to present and discuss new developments in various areas of firematics.

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- J. REIMBURSEMENT AND REMUNERATION – The Board believes that wise fiscal management dictates the payment of all bills directly from the District to the vendor, subject to the regular procedures of accounting established. However, it recognizes that from time to time Board Commissioners will incur out of pocket expenses in the service and at the direction of the Board. Such expenses may include the cost of attendance at conferences and other workshop meetings and the like. Such expenses shall be for the Board Commissioner only and shall be itemized and documented. Each year, the Board shall approve a schedule of allowable charges for meals, lodging, mileage and telephone. Reimbursement shall not exceed these limitations
- K. BOARD COMMISSIONER PROTECTION – The Board shall purchase insurance coverage so as Board Commissioners shall be protected against financial loss as a result of civil action brought against them as Board Commissioners. The Board shall protect each Board Commissioner against loss in the case of any criminal action which results in a final disposition in the Board Commissioner's favor when such action involves the Board Commissioner's responsibilities in the District.
- L. CONFLICT OF INTEREST – A Board Commissioner shall not have any direct or indirect interest in a contract with the District.
- In the event a Board Commissioner is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods or service to the District, the Board Commissioner shall declare his/her interest and refrain from debating or voting upon the question of contract for the company. It is not the intent of this policy to prevent the District from contracting with corporations or business because a Board Commissioner is an employee of the firm. The policy is designed to prevent placing a Board Commissioner in a position where his/her interest in the District and his/her interest in his/her place of employment (or other indirect interest) might conflict and to avoid appearances of conflict of interest even though such conflict may not exist.

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A Board Commissioner shall not take an active part in contract negotiations, nor shall he/she discuss or vote on the resulting contract, nor any other agreement including initial hiring entered into between the Board and a Board Commissioner's relative.

- M. BOARD COMMISSIONER CODE OF ETHICS – Members of the Board of Fire Commissioners of District No. 1 recognize that they hold authority not as individuals but as Commissioners of the Board. In order to make a clear public statement of its philosophy of service to the District, the Board adopts as its own the following Code of Ethics.
- I. Each Board Commissioner will uphold and enforce all laws of the state. Desired changes should be brought about only through legal and ethical procedures.
 - II. Each Board Commissioner shall strive to insure that people are actually informed about the District and will try to interpret the needs of the District.
 - III. Each Board Commissioner recognizes that his/her responsibility is not to run the District but together with fellow Board Commissioners to see that the District is run well.
 - IV. Each Board Commissioner will make decisions in terms of the District's needs and in accordance with the most advanced technology available, taking into consideration the fiscal ability of the District.
 - V. Each Board Commissioner will confine his/her actions to policy making, planning and appraisal and will frame policies and plans after proper consultation and direction.
 - VI. Each Board member recognizes that authority rests with the whole Board assembled in public meetings and will make no personal promises or take any private action which may compromise the Board.
 - VII. Each Board Commissioner to refuse to surrender his/her independent judgment to special interest or partisan political groups which use the District for personal gain or for the gain of associates.
 - VIII. Each Board Commissioner shall hold confidential all matters pertaining to the District, which, if disclosed, would needlessly injure individuals or the District.
 - IX. Each Board Commissioner will support and protect District personnel in proper performance of their duties.

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N. POLICY DEVELOPMENT – The Board reserves to itself the right of providing guides for the discretionary action of those to whom it delegates authority. These guides for discretionary action shall constitute the policies governing the operation of the Fire District and shall be recorded in writing. The formulation and adoption of written policies shall constitute the method by which the Board exercises its leadership in the operation of the Fire District. The study and evaluation of reports concerning the execution of written policies constitutes the method by which the Board exercises its management of the District.

The formal adoption of the policies shall be recorded in the minutes of the Board. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

No policy shall be adopted by the Board until it has been discussed at two public meetings.

The policies of the Board are framed, and are not meant to be interpreted, in terms of state laws, rules and regulations of administrative agencies and all other regulatory agencies within our local, county, state and federal levels of government. The policies are also framed, and meant interpreted, in terms of those firematic objectives, procedures and practices which are broadly accepted by leaders and authorities in the field.

Changes in needs, conditions, purposes and objectives will require revisions, deletions and additions to the policies of present and future Boards. The Board will welcome suggestions for ongoing policy development.

The Board reserves to itself the right to final determination of what shall be the official policy of the District.

N. CONTINUING REVIEW OF BOARD POLICIES – In formulating any policy, the Board has pledged to consider the will and needs of the community within the parameters of New Jersey law. The passage of time and changing circumstances may alter the community's needs. Changes in the law may alter what is allowable or what is required.

The Board shall evaluate how the policies have been executed by the personnel and shall weigh the results. It shall rely on the personnel and community for providing evidence of the effect of the policies which it has adopted.

Therefore:

- I. The Board directs the Policy Committee to develop procedures for continuous orderly review of the policies in the Board Policy Manual during the time provided for policy on the agenda of the regular Board meeting. Each policy shall be reviewed at least once every two years. Any necessary revisions shall be made in conformity with Board policy as herein set forth, formulation, adoption, and amendment of policies.
- II. The terms of the policy are not affected by any changes in law and policy still reflects the intent of the Board in the matter, then the policy shall be officially re-adopted as of that date.

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III. The Board directs the Policy Committee to review the rules and regulations implemented to insure that they conform to the intent of the policy or any amendments or change thereto.

O. FORMULATION, ADOPTION AND AMENDMENT OF ADMINISTRATIVE REGULATIONS –

The Board delegates to the President the function of specifying required actions and designing the detailed arrangements under which the District will operate and places the President in charge of the daily operations as set forth in these By-Laws. All Rules and Regulations, directives and detailed arrangements shall constitute the Administrative Rules and Regulations governing the District.

These Administrative Rules and Regulations must be consistent with Board policies and contracts, New Jersey Statutes and New Jersey Administrative Code and Rules and Regulations promulgated thereunder. All Administrative Rules and Regulations as well as directives must immediately, upon their enactment, be forwarded to the Board.

Such Rules and Regulations shall be binding on all employees unless or until the Board should vote to change or rescind any such rule or regulation following its presentation at a public meeting of the Board. The Board itself will also adopt Administrative Rules and Regulations when necessary. The Board reserves the right to review and cause revisions of Administrative Rules and Regulations should they, in the Board's discretion, be inconsistent with the policies adopted by the Board.

In the interest of efficient administration, the President shall have the power to decide all matters of detail that may arise for which no specific provision is made in the policies adopted by the Board. The President shall inform the Board and recommend at the next Board meeting what changes should be made in Board Policy to deal with the matter in the future.

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P. SUSPENSION OF POLICY- The Board has developed a careful and deliberated process of formulating and adopting the policies by which it governs the District. Requests for suspension of any existing policy should receive the same careful consideration.

Therefore:

- I. Any request for a waiver of policy shall be considered in light of the policy itself, rather than any particular circumstances of the moment.
- II. The Board shall decide whether the policy reflects the considered intent of the Board. If it does, the suspension will be denied and the policy re-affirmed in the minutes.
- III. If the policy does not reflect the intent of the Board then it shall be annulled by the same voting process by which it was adopted.
- IV. Development of a new policy shall then become the Board's prime policy priority. In the event of an emergency requiring immediate action, the President of the Board shall, on his own, or by majority vote of the Commissioners shall have the power to waive policy in the single instance. In such cases, the President shall report the instance to the Board immediately and request reconsideration of the policy at the next regular meeting.

TIME, PLACE, NOTIFICATION OF MEETINGS

I. TIME/PLACE OF MEETINGS

(a) Reorganization Meeting: The Board shall reorganize annually at a meeting held on the second Tuesday in December.

b) Regular Meetings: Regular meetings of the Board shall be held on the second Tuesday of each month at 6:30p.m., except when the Board shall determine otherwise. All meetings shall commence at that time but if a quorum is not present at the time for which the meeting is called, The members present may recess the meeting no quorum is present at that time, the Commissioners present may adjourn the meeting until another day, no more than seven days following the date for which the original meeting was called, but no further recess or

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adjournment of the meeting shall be made. Public announcements of time and date to which any meeting is so recessed shall be made at the time of the recess or adjournment.

In case the date of the Regular meeting falls on a legal holiday, the meeting will be held on a date to be decided by the Board at the Regular meeting preceding said meeting that falls on the legal holiday.

c) Special Meetings: Special meetings of the Board shall be called by the Secretary of the Board whenever the President or Vice President (in the absence of the President) so directs or whenever a majority of the whole membership of the Board requests a calling of such a special meeting. The Secretary shall give written notice of such a special meeting. The Secretary shall give written notice of all special meetings to all Board Commissioners, unless waived by the President and Vice-President. All special meetings shall commence as set by the President after consulting with the Board Commissioners. The notice for the meeting will give the time, date and location of the meeting.

NOTICE OF MEETINGS

(a) The Board Secretary shall give notice to all Board Commissioners of all meetings. Adequate notice must be given for all meetings of the Board except in the event of an emergency to a time no later than 7:30 p.m. of said day and if no quorum is present at the time, the Commissioners present may adjourn the meeting until another day, no more than seven days following the date for which the original meeting was called, but no further recess or adjournment of the meeting shall be made. Public announcements of time and date to which any meeting is so recessed shall be made at the time of the recess or adjournment.

In case the date of the Regular meeting falls on a legal holiday, the meeting will be held on a date to be decided by the Board at the Regular meeting preceding said meeting that falls on the legal holiday.

NOTICE OF MEETINGS

The Board Secretary shall give notice to all Board Commissioners of all meetings. Adequate notice must be given for all meetings of the Board except in the event of an emergency or when dealing with matters exempted from public purview

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under the law. Adequate notice means written advance notice of at least 48 hours, giving time, date and location, and to the extent known, the agenda of the meeting. The notice must state whether formal action may or may not be taken at the meeting.

The notice must be:

- (a) Prominently posted in at least one public place reserved for such announcements;
- (b) Communicated to at least two newspapers, one of which shall be designated official newspaper;
- (c) Filed with the Clerk of the governing body of the political subdivision whose geographic boundaries are co-extensive with those of the Board;
- (d) Sent to those persons requesting such notice be mailed to them.

Annual notice of the year's meeting schedule must be posted publicly, sent to at least two newspapers, and the Clerk of the municipality within seven days following the annual reorganization meeting. This notice shall contain the location of each meeting to the extent it is known as well as the time and date. If the schedule is revised at all, notice must be given within seven days of the revision. This schedule of meetings must be posted and maintained throughout the year.

N.J.S.A 10:4-8, N.J.S.A 10:4-18, N.J.S.A. 10:4-19

III. EMERGENCY MEETINGS

The Board may hold a meeting when providing adequate notice if :

- (a) Three-quarters of the Commissioners present vote to do so; and
- (b) The meeting is required to deal with matters of such urgency and importance that delay would be likely to result in substantial harm to the public interest; and
- (c) The meeting will be limited to discussion of and action on these matters; and
- (d) Notice of such meeting was provided as soon as possible following the calling of such meeting; and
- (e) One of the following:

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a. Either the Board could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or

b. The need could have been foreseen in time but the Board failed to do so. N.J.S.A. 10:4-19

STATEMENT OF ADEQUATE NOTICE – At the beginning of every meeting, the Clerk shall announce that adequate notice of the meeting has been provided and shall specify the time, place and manner in which the notice was provided.

If adequate notice was not provided, the Chairman shall say so, and in addition, shall state:

- a The nature of the matter of urgency or importance for which the meeting without notice was called; and
- b The nature of the substantial harm to the public interest likely to result from a delay in holding the meeting; and
- c That the meeting will be limited to discussion of and action on such matters of urgency and importance; and
- d The time, place and manner in which some notice of the meeting was provided; and (e) Either of the following:
 - i. That the need for such meeting could not reasonably have been foreseen at a time when adequate notice could have provided and why this was so; or
 - i. That such need could reasonably have been foreseen in time for adequate notice, but nevertheless such notice was not provided, and the reason why.

Statements concerning the provision of adequate notice, or the lack thereof, shall be entered in the minutes of the meeting.

N.J.S.A 10:4-9, N.J.S.A 10:4-10

V. MAILING LISTS – A mailing list will be established to send the annual schedule and notices of any additional meetings to persons who apply in writing at an annual fee established by the Board. This notice will not include a complete detailed agenda.

R. PUBLIC AND CLOSED EXECUTIVE SESSIONS

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- I. Regular and Special Session meetings - All regular and special meetings of the Board shall be open to the public. The Board shall have the discretion to permit, prohibit or regulate the active participation of the public at any meeting. Because the Board desires to hear the viewpoints of citizens through the District (and also needs to conduct its business in an orderly and efficient manner) it may schedule one or more periods during each meeting for public participation. It may set a time limit on the length of this period and/or a time limit for individual speakers.

Ordinarily, the Board shall accept comments and questions from the public during a short period prior to conducting official business. Once the public participation portion of the meeting is closed, it shall only be reopened on a majority vote of a quorum. Comments and questions at a regular meeting may deal with any topic related to the Board's conduct of the District.

The Board President shall conduct that part of the meeting designated for public participation. Members of the audience wishing to speak must properly identify themselves and adhere to any limits set by the Board. Questions asked by the public shall, when possible, receive an immediate

reply; questions requiring investigation shall be referred to the Board Committees for consideration and later response. All written citizen communications to the District shall be addressed to the Board Secretary.

N.J.S.A. 10:4-12

- II. Special Meetings – Special meetings may be called for either of the following purposes: (a) To enable the Board to consider and take action on a single problem or set of problems; (b) To enable the Board to take emergency action between regular meetings.

Special meetings may be called by the Board as a whole, by the President or by the Board Secretary upon written request of three Board Commissioners.

When Special meetings are called in the interim between Board meetings, the Board Secretary, on order of the President or three Commissioners of the Board, shall give adequate notice to all Board Commissioners and the public of the time, place and purpose of such meeting.

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All Special meetings shall be open to the public and press, but no public discussion shall be heard on items other than those related to the call of the meeting. The Board shall have the discretion to permit, prohibit or regulate active participation of the public.

With the exception of details of minor importance, only business related to the call of the meeting shall be discussed or transacted by the Board at a Special meeting. N.J.S.A. 10:4-8, N.J.S.A. 10:4-12

III. Closed Executive Sessions – Except as set in N.J.S.A. 10:4-12 all meetings of the Board shall be

open to the public at all times. No Board meeting shall exclude the public until the Board shall first adopt a Resolution at a meeting which the public shall be admitted stating the general nature of the subject to be discussed and stating as precisely as possible the time when and circumstances under which the discussion conducted in closed session can be disclosed to the public.

Such session shall be closed to the public and press. Minutes shall be taken but not made public if and until confidentiality is no longer necessary. If such meeting was held, it shall be recorded in the minutes of the preceding or subsequent regular meeting. Board Commissioners and any persons attending the session are duty-bound not to disclose the topic or details of discussion at the Executive Session. No official action shall be taken at the executive sessions. To take final action on any other matter discussed, the Board shall convene or reconvene in open session. N.J.S.A. 10:4-12, N.J.S.A. 10:4-13

S. REORGANIZATION MEETINGS – Meeting days shall be established and officers elected at the annual reorganization meeting held on a date in accordance with New Jersey law. The oath of office shall be given to each new Board Commissioners at the reorganization meeting. All policies and actions of the Board shall be reaffirmed at said meeting.

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T. AGENDA PREPARATION – The President in conjunction with the Recording Secretary shall prepare all agendas for meetings of the Board. In doing so, he/she shall consult, as necessary, with the Board Secretary.

Items of business may be suggested by any Board Commissioner, staff member or citizen of the District and shall be forwarded to the President one week prior to the meeting.

The Board shall follow the order of business set by the agenda unless the order is altered by a majority vote of the Commissioners present. Items of business not on the agenda of a regular meeting may be discussed and acted upon if a majority of the Board Commissioners agrees to consider them.

The agenda, together with supporting materials, shall be distributed to the Board Commissioners sufficiently prior to the Board meeting to permit them to give items of business careful consideration. The agenda shall also be made available to the press, staff and community upon request.

U. ORDER OF BUSINESS – The order of business shall be as follows unless altered by the Chairman:

Called to Order

Flag Salute

Reading of Announcement

Roll Call

Transaction of business for which meeting is called

Public Participation

Adjournment

V. VOTING METHOD – All proper motions and Resolutions recorded and put to vote require adoption by only a majority of those present and voting, except those motions specified in Robert's Rules of Order, latest edition ("Basis for Determining a Voting Result") and the following exceptions: I. Actions requiring a two-thirds vote of the full membership of the District:

a. Adopt, amend or repeal by-laws;

b. Place a contract following failure to receive responsible bids on two occasions. (N.J.S.A.

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40A:11-5(3));

- c. Emergency Appropriation;
- d. Transfer of excess funds appropriated for designated line item to line item with insufficient funds;
- e. Transfer of line item appropriations to pay claims for preceding year for other line items.
- f. N.J.S.A 40A:14-78.10, N.J.S.A. 40A:14-78.11, N.J.S.A. 40A:14-78.9

II. Actions requiring a three-fourths vote of the Commissioners present: Calling an emergency meeting of the Board Commissioners, under certain circumstances, without proper notice. N.J.S.A. 10:4-9

W. QUORUM – At any meeting of the Board of Commissioners of Franklin Township Fire District No. 1, a majority of all of the Commissioners shall constitute a quorum for the purpose of commencing a meeting. Unless otherwise specified, a majority of a quorum shall have the power to perform any official action which shall be within the authority of the Board of Commissioners of Franklin Township Fire District No. 1.