

East Williston Fire Department

East Williston, New York 11596



Serving our Community since 1889

Constitution and By-Laws

EAST WILLISTON FIRE DEPARTMENT
Constitution

Preamble

In order to more effectively secure our rights and define our duties, we the members of the East Williston Fire Department of East Williston, Nassau County, New York, do hereby adopt and mutually agree to abide by and support the following as our Constitution and By-Laws:

ARTICLE I. Organization

Section 1

This Department shall be known as the East Williston Fire Department.

Section 2

Its object shall be the preservation and protection of life and property from and during such fires and emergencies and to perform any duty in line with public safety as may occur within the Incorporated Village of East Williston, or where mutual aid is requested by another fire department or official agency.

ARTICLE II. Membership

Section 1

The membership of this Department shall consist of three classes:

- (A) Active Members, the number which shall not exceed 65.
- (B) Honorary Members, who may be elected in accordance with Article II, Section 4.
- (C) Life members, in accordance with Article II, Section 5.

Section 2

A person is qualified for active membership who is:

- (A) A citizen of the United States and at least 17 years of age.
- (B) A person proposed for membership who is 17 years of age must:
 - 1. Have a signed parental consent form,
 - 2. Remain a probationary fireman until reaching his/her 18th birthday as long as he/she, has been a member at least 6 months and has met all of the qualifications of the East Williston Fire Department,
 - 3. A probationary firefighter will NOT be allowed to drive any East Williston Fire Department vehicle nor be qualified as an interior Firefighter.
- (C) A non-resident may be proposed for membership if that person is:
 - 1. An employee of the Village of East Williston or,

2. A resident of a contiguous community and within a reasonable response area to answer alarms. A reasonable response area is deemed to be inclusive of the following boundaries: WEST – Herricks Road; EAST – Glen Cove Road; NORTH – I. U. Willets Road; SOUTH – Second Street (Mineola).
 3. At no time, may non-resident members exceed 33% of the Department's total membership.
- (D) An active member who moves out of the Village may retain his membership if:
1. He/She has paid all dues and assessments,
 2. Retained good standing during the previous year,
 3. Has a new residence which is within the reasonable response area as defined in Article II Section 2(C) to answer alarms.
- (E) Certified by the Department Doctor to be able to perform the duties of a volunteer fire fighter.

Section 3

Candidates for membership may be proposed at any regular meeting. The procedure for proposal and consideration of the prospect's candidacy shall be as follows:

- (A) The candidate shall fill out the prescribed form of application for membership.
- (B) The application shall be turned over to the Membership Committee for consideration. Applications shall be taken up for consideration in the order in which they are filed.
- (C) The Membership Committee shall report at the next regular meeting of the Department the results of their investigation.
- (D) If the Membership Committee brings in a unanimous report of "favorable" the candidate becomes eligible for membership in the Department without further action by members except that:
 1. Should any member present, when such report is rendered, request that a ballot be taken, the candidate becomes eligible for membership only if he receives an affirmative vote of a majority of those present. The candidate shall not be present when such a ballot is taken.
 2. Should the number of active members be 65, the applicant's name will be placed on a waiting list to be taken into the Department as vacancies occur, or shall be provisionally appointed by the Chief for a period of no more than one year.
- (E) If the Membership Committee brings in a divided report, the members present shall vote on the candidate and he shall become eligible for membership only upon receiving a majority of

affirmative votes of those present by a ballot taken in the candidate's absence.

- (F) If the Membership Committee brings in a unanimous report of "unfavorable", the candidate is denied membership.
- (G) If the candidate satisfies all requirements for membership, he becomes an active member after being duly sworn in.
- (H) If the candidate is denied membership under Subsections (D) 1, (E), or (F) of this Section, his name may not again be presented for membership until one year has elapsed from the date of rejection.

Section 4

The Department may from time to time by majority vote of the members present at a regular or special meeting elect to membership as an Honorary Member of the Department, a person who it is felt has served the Department in a meritorious way or who, it is felt, might be a desirable addition to the Department though he might not find it possible to be a regular member. Such a member shall not be obligated to pay dues or perform duties of an active member.

Section 5

Any member who has served for at least twenty years (20) and cannot retain their active membership due to relocating out of the response area or to a medical condition shall be eligible to become a Life member. The member must make a written request to the Chief who will present that request to the membership at the next monthly meeting. With the approval of the Commissioners and the Village Trustees, the member shall be granted Life membership in the Department. Life members may be eligible to hold any of the Department's administrative officer positions.

ARTICLE III. Elections

Section 1

The elected positions of this Department shall consist of:

- (A) Line Officers: Chief, First Assistant Chief, Second Assistant Chief, two Captains, two Lieutenants, and an Engineer.
- (B) Administrative Officers: Recording Secretary, Corresponding Secretary, and Treasurer.
- (C) Delegates: three Delegates, one elected each year.

Section 2

The April Meeting shall be the Annual Meeting of the Department and will be held on the first Thursday of April. Elections will be in order at the Annual Meeting.

1. Election of Officers shall be by written ballot and a majority vote shall determine the election.
2. The election shall be held at 9:00 PM.
3. Officers shall assume their duties immediately upon election and shall serve for one year, except that delegates shall serve for three years.

Section 3

Nominations for office may be made either by the Nominating Committee or from the floor as defined below. A member nominated from the floor for an office either must be physically present to accept the nomination or provide a written acceptance of his nomination by the beginning of the Annual Meeting. The nominations shall be posted in the firehouse after the February Meeting and shall remain posted until the Annual Meeting.

(A) Nominating Committee:

1. The committee will interview all members interested in running for an office and will verify that the member is qualified to hold that office as defined in Sections 6 and 10 below.
2. The committee will begin the interview process sufficiently early so that the slate of candidates can be presented at the February Monthly Meeting and posted immediately thereafter.

(B) Nominations from the floor:

1. Nominations from the floor will be in order at the February Meeting after the Nominating Committee has presented the slate of candidates and at the March Meeting until the end of that meeting.

Section 4

The Recording Secretary shall be directed, by motion duly seconded, to cast one vote for any unopposed nomination for office.

Section 5

- (A) Any vacancy occurring in any of the designated offices of the Department caused by resignation, prolonged absence from the Village or other unusual reason shall be filled by election at a Special Election within 90 days of such vacancy. Nominations shall be made by the Nominating Committee and may also be

made from the floor at that time. The election will be by written ballot. As in the Annual Election, the Recording Secretary shall be directed, by motion duly seconded, to cast one vote for any unopposed nomination for office.

- (B) Should any Officer be absent from the Department for an extended period of time, or for some emergency beyond his control, he shall request a leave of absence from the Chief. This leave of absence should not be for more than three months. The Chief may appoint an Officer pro-tempore to fill out the term of the absent Officer. If an Officer is to be absent from the Department or otherwise unable to perform the duties of his office for a period of more than six months, he should resign from office and apply for a leave of absence from the Department.

Section 6

No member is eligible to be nominated for, elected to, or retain the office of Chief, First Assistant Chief, or Second Assistant Chief unless the member resides within the Department's response area.

Section 7

Probationary firefighters and firefighters on leave of absence from the Department shall not be eligible to vote. An exception to this provision shall be made for any member on medical leave or military leave who is in good standing and is physically present at the meeting.

Section 8

All active members in good standing are eligible to vote who have during the previous calendar year responded to 10% of fire alarms or 10% of ambulance calls.

Section 9

- (A) Ex-Chiefs in good standing are exempt from the eligibility criteria stated in Article III, Section 8.

Section 10

- (A) No member is eligible to be nominated for or be elected a Line Officer unless that member is a qualified chauffeur or M.P.O.
- (B) No member is eligible to be nominated for or elected Chief or Assistant Chief unless that member has served at least two years as a Line Officer.
- (C) The Chief may appoint an Officer pro-tempore to fill a vacancy as long as the appointee satisfies Article III, Section 10 (A). Such appointment will be reviewed at each monthly meeting and when a qualified candidate is available, a Special Election will be held.

- (D) All Line Officers must complete a State or County officer training program within two years of being elected.

ARTICLE IV. Duties of Officers

Section 1

It shall be the duty of the Chief to preside at all regular or special meetings, to call special meetings of the Department at the written request of five members or more, or whenever he may think proper, to decide all points of order that may be raised, to preserve order, to see that each subordinate Officer does his duty, to cast the deciding ballot in case of a tie, and to carry out and enforce the Constitution and By-Laws to the best of his ability. It shall be the duty of the Chief to command the Department and have full control thereof while on duty at a fire, drill, or parade, and on all other proper occasions and to have the apparatus kept in proper condition. All orders given by him on these occasions shall be implicitly obeyed. The Chief's action and decisions shall be deemed final when within the legal structure governing the operation of the East Williston Fire Department. He shall report to the Investigations Committee any member who may refuse to obey his orders while on duty. The Investigations Committee shall review the charges and forward a report to the Chief and the Company Officer of the member charged, indicating their recommendations. The Chief shall assign specific duties and responsibilities to all other Officers of the Department. He shall see that every member is properly trained and instructed in the art of fire tactics and instructed in the use of different implements in the firehouse. He shall hold in trust the property of the Department except as otherwise provided. The Chief or his representative shall represent the Department at all regular and special Village meetings, if and when necessary.

Section 2

It shall be the duty of the First Assistant Chief to perform the duties of the Chief in his absence. In absence of both the Chief and First Assistant Chief, The Second Assistant Chief shall assume these duties and responsibilities.

Section 3

It shall be the duty of each Line Officer to aid his superior and to see that his commands are carried out. In the absence of the Chief or Assistant Chiefs, it shall be the duty of the next ranking Line Officer to perform the duties and accept the responsibilities pertaining to that office. Company Officers are required to submit a quarterly report on the progress of each member to the Investigations Committee. The Company Officers are the Captain and Lieutenant of each Company.

Section 4

The Recording Secretary shall:

- (A) Keep the minutes of all Regular and Special Meetings.
- (B) Keep attendance records for all drills, regular and special meetings indicating for each member: present, absent or excused.
- (C) Cast one vote at elections for unopposed positions when so directed by a motion from the floor, properly seconded by members present.

Section 5

The Corresponding Secretary shall:

- (A) Notify all active members of the Department of all meetings, drills, or other activities when so directed by the Chief. Such notification shall be mailed to the members no later than five days before such activity.
- (B) Notify the Village Clerk of all eligible members upon completion of the process described in Article II.
- (C) Carry out other written communications as may be directed by the Chief.

Section 6

The Treasurer shall:

- (A) Have charge of all moneys received from the Village for contract of services.
- (B) Keep a detailed record of all receipts and disbursements of Fire Department money and report in summary at each meeting giving the previous balance and the present balance.
- (C) Receive initiation fees, dues, assessments, and all other funds payable to the Department and issue the required receipts thereof.
- (D) Issue dues cards to paid-up members, evidencing the payment of dues and the period covered thereby.
- (E) Pay the bills of the Department at the direction of the Chief.
 - (1) Ordinary recurring bills.
- (F) At the Annual Meeting in April, submit an Annual Report itemizing previous year's receipts and disbursements.

Section 7

The Delegates, or one of them, shall be responsible for attending all Battalion Meetings under the Nassau County Fire Commission and performing any other duties as required by the Nassau County Charter.

ARTICLE V. Laws

Section 1

Robert's Rules of Parliamentary Procedure shall be the authority on all questions not provided for or inconsistent with the Constitution and/or By-Laws. A copy of Robert's Rules of Parliamentary Procedure shall be available to the Recording Secretary.

Section 2

Amendments. In the presentation and adoption of changes in the Constitution and By-Laws of the Department the following rules shall be observed:

- (A) Any member may propose a change in the Constitution or By-Laws at any regular meeting of the Department.
- (B) A full discussion of the proposed change shall be permitted at the time it is proposed.
- (C) If a majority of those present favor the change, final action shall be put over until the next regular meeting.
- (D) Notice shall be given on the card announcing the date of the next regular meeting that consideration is to be given to a proposed change in the Constitution or By -Laws. Article(s) and Section(s) under consideration will be indicated on the notification card.
- (E) Further discussion on the proposed change may be had at that meeting, after which the members shall vote to accept or reject the proposed change in the form finally approved. If a 2/3 vote of the members present favor the proposed change, it becomes part of the Constitution and By-Laws immediately. Each member shall be provided with a copy of all changes to the Constitution and By-Laws.

**EAST WILLISTON FIRE DEPARTMENT
BY- LAWS**

ARTICLE I. Meetings

Section 1

The Annual Meeting of the Department shall be held on the first Thursday in April.

Section 2

The Regular Meeting shall be held on the first Monday evening of each month, at eight o' clock. Special Meetings shall be called by the Chief at his discretion or upon the written request of five active members.

Section 3

Eighteen members shall constitute a quorum for the transaction of business.

Section 4

All expenditures of funds shall be reported at the monthly meeting of the Department. All expenditures in excess of \$ 500.00 shall only be made after an affirmative vote of the majority of the members present at the monthly meeting, except in the case of an emergency.

ARTICLE II. Committees

Section 1

Investigations Committee. This committee shall consist of three or more members who shall be appointed for a term of one year and it shall:

- (A) Review charges brought by a member of the Department against any member and investigate these charges thoroughly. They shall submit a report to the Chief and the Company Officer responsible for the member stating their findings and recommendations.
- (B) Periodic review by the Committee of Attendance Records, Dues and Assessments and forward recommendations to the Chief of any delinquent members.
- (C) By the March Regular Meeting, the Investigations Committee shall post a listing of those members who are eligible to vote per Constitution Article III, Sections 7, 8, 9 and 10 based on the Company attendance reports or other official Department records. This shall be effective as of and for the April, 1994 election.

Section 2

All other committees shall serve for as long as the Chief shall direct.

Section 3

Stewards Committee. The Chief shall appoint two or more members to serve on this committee.

Section 4

Nominating Committee. The Chief shall appoint three or more members who shall be responsible for presenting a slate of nominees for an upcoming election.

Section 5

Membership Committee. The Chief shall appoint three or more members to serve on this committee.

Section 6

Special Committees. The Chief may appoint such special committees as may be required.

ARTICLE III. Duties of Members

Section 1

An alarm sounded on the sirens and/or home radios shall be deemed sufficient to call the members to duty.

Section 2

The first active member arriving shall assume command of the Department, which he shall retain until the arrival of a Line Officer.

Section 3

It is the duty of each active member of this Department upon every alarm to proceed immediately to the firehouse and assist in conveying the apparatus to the scene. Should the apparatus be away from the firehouse when he arrives, he shall join his Department as soon as possible. Upon arriving at the scene of the fire or emergency, those members who did not ride the apparatus to the scene should report to his Company or Acting Officer in Charge for assignment to duty.

Section 4

All members, except drivers of apparatus, shall wear prescribed fire turnout equipment consisting of helmet, turnout coats, fire boots and gloves at all fires and outdoor drills. Exceptions to this procedure shall be made by the Chief or Officer in Charge at his discretion. Members not conforming to this procedure shall not be considered for assignment to duty.

Section 5

No member shall leave the scene of any duty until all equipment has been returned to the apparatus and properly stored and the member is released by his Company Officer or other Officer or Acting Officer in Charge. All members shall return to the firehouse, whether they rode the apparatus to the scene or not, and assist in preparing the apparatus for proper response for the next alarm and may not be dismissed until the Chief or other Officer in Charge is satisfied that the apparatus and equipment is in proper condition. He shall at all times while in service observe respectful behavior to the Officer in Charge or Acting Officer in Charge and obey all orders given by him.

Section 6

In the case of holding a fire drill, the members shall be notified by cards mailed by the Secretary not later than five days before the time for such drills when directed to do so by the Chief. Members receiving notices to appear for a drill shall report to their Company Officer at the place and time designated in the notice. When no notice is received, it is to be understood that the Department has fire drills every Thursday evening at 8 o' clock P.M. Members unable to attend these drills shall notify their Officer in Charge prior to each drill they are unable to attend, stating reason for absence. Sickness, member's business activities, or other unusual occurrences beyond the control of the member will be the only excused occurrences from drills. New members are required to attend 18 regular drills and three monthly meetings within six months to be eligible to be retained on the rolls, except at the discretion of the Investigations Committee or the Chief.

Section 7

In addition to the other qualifications for membership prescribed in the Constitution and By-Laws, a member who is entitled to have his name retained on the rolls shall be one who attends the regular and special meetings of the Department, attends fires and fire drills, and pays dues and assessments promptly. Any member may be dropped from the rolls upon recommendation of the Investigations Committee to the Chief for any of the following reasons:

- (A) Absence from three meetings of the Department, regular or special, during one calendar year unless a satisfactory excuse is given prior to the meeting which the member is unable to attend.
- (B) For failure to report for two consecutive fire drills, or two consecutive assigned details, unless a satisfactory excuse is given to his Company Officer or the Chief prior to such drill.
- (C) For failure to pay dues or assessments. If a member is in arrears for three months, he may be dropped from the rolls.

- (D) For failure to obey any lawful order of a duly constituted Officer of the Department or, in the absence of these Officers, an acting Officer in Charge.
- (E) Use of illegal drugs or other controlled substances, whether on Department premises or elsewhere.
- (F) Calling in a false alarm shall be grounds for immediate dismissal from the Department. Any member dismissed on this ground shall not be eligible for re-admission to the Department at any time.
- (G) Engaging in any conduct, on Department premises or elsewhere, which brings the reputation of the East Williston Fire Department or its members into disrepute.
- (H) Except as set forth in Sub-section F above, any member dismissed from the Department may not reapply for membership for at least one year from the date of dismissal.

Section 8

Ex -Chiefs on the rolls as active members are exempt from the requirements of Section 7 (A) & (B) except that (1) at least one drill each 3 months should be attended in order to maintain fire fighting proficiency, and (2) attendance of 1 regular or special meeting each 6 months is required.

Section 9

Any member may have charges brought against him by any member of the Department for failure to adhere to the Constitution and By- Laws of the Department.

Section 10

Any member may request a leave of absence, in writing, from the Chief of the Department.

Section 11

Active members shall be considered to be performing their prescribed duties as members of this Department when responding individually or as otherwise set forth in this Article, to any emergency, at any time, anywhere within the State of New York.

Section 12

Active members who have not meet minimum participation levels for department activities shall be required to pay the per person charge in order to attend the annual dinner, other social functions, or participate in departmental subsidized items. Meeting any two of the three requirements below will be sufficient to allow the member to participate without a charge.

- (A) The minimum requirements are:
 - 1. Make 10% of either Fire or EMS calls.
 - 2. Make 25% of Drills.
 - 3. Make one third of Fundraisers.
- (B) Determination of a member's status will occur one month prior to the event and will include the prior 4 quarters attendance records. This function will be performed by the Investigations Committee who will report their findings to the Chief.
- (C) Exceptions the participation requirement are:
 - 1. Members who are Ex- Chiefs or Honorary Members.
 - 2. Members on an approved Leave of Absence.
 - 3. Any member who has been ill for a protracted period of time or any family member who has been ill for a protracted period of time.

ARTICLE IV. Property

Section 1

No member shall remove any property of the Department from the apparatus or firehouse without permission granted by the Chief or other Officer in Charge. Any member violating this rule may be dismissed from the rolls of the Department.

Section 2

No member shall drive or operate any apparatus, unless authorized by the Officer in Charge of that apparatus. No member shall drive any apparatus to a fire or emergency unless he has passed qualifying examination for that apparatus. All qualifying examinations shall be approved by the Chief in charge of training before they are used as a basis for qualifying members. Violation of this rule is cause for departmental charges resulting in the possibility of being dismissed from the rolls of the Department.

In accordance with Article II Section 2 (B) of the Constitution of the East Williston Fire Department – No Officer may order a member who is 17 years of age to drive or operate an East Williston Fire Department vehicle under any circumstances.

Section 3

A member shall be responsible for his badge and key to the firehouse. If either of these are lost, they shall be replaced at the member's expense.

Section 4

All uniforms, articles of clothing or other equipment issued by the Department shall remain the property of the Department. If any such item becomes lost, it shall be replaced at the member's expense.

ARTICLE V. Uniforms**Section 1**

The uniform of this Department shall be: The Regulation Fire Department Uniform.

Section 2

No uniform cap shall be worn to any Fire Department activity except the regulation uniform cap of the Department. Official badges are not to be displayed on any hat other than the regulation uniform cap.

Section 3

Officers shall display proper badges, insignia and other identifying uniform articles as authorized by the Department. No member, other than Department Officers, Ex-Chiefs, Commissioners or Fire Inspectors shall wear or display uniform articles or insignia other than the regulation fireman's uniform of the Department.

ARTICLE VI. Resignations**Section 1**

No resignations shall be accepted unless in writing and until all dues and assessments current and arrears are discharged and all Department property returned.

Section 2

In the event of an unusual situation, a person is considered to have resigned from the Department if he fails to attend any activity for a three-month period without proper notification or request for leave of absence, excepting Ex-Chiefs.

ARTICLE VII. Annual Dues and Initiation Fee**Section 1**

The annual dues of each member of this Department shall be five dollars and be due April 1st.

Section 2

An initiation fee of five dollars shall be paid by each new member upon his admission to the Department.

ARTICLE VIII. Pleas

Section 1

Sickness or death in the family, attendance at a funeral, or other extenuating circumstances shall be deemed sufficient excuse for any absence from duty.

Section 2

Business, which detains any member from attendance at the Department's meetings, drills or details, shall be considered an acceptable excuse.

Section 3

Each member rendering any of these pleas to the Department shall designate his excuse separately for each and every meeting, drill or detail, from which he will be absent, before such meeting, drill or detail takes place. Excused absence will not be considered if this rule is not adhered to.

Section 4

The Chief, Assistant Chiefs or Company Officers of each member are the only ones that can have a member marked excused from any duty in the attendance records.

ARTICLE IX. Order of Business

Section 1

The Order of Business at all regular or special meetings shall be as follows:

- (A) Meeting called to order with pledge to the Flag.
- (B) Reading of the minutes of the last meeting and approval.
- (C) Reports of Committees.
- (D) Fire Reports.
- (E) Communications and propositions for membership.
- (F) Unfinished Business.
- (G) New Business.
- (H) Treasurer's Report.
- (I) Roll Call.
- (J) Adjournment.

NOTE: At the annual meeting, the Election of Officers shall be held at 9:00P.M.

REVISED: April 1993

AMENDED: June 1993
AMENDED: April 1997
AMENDED: March 2000
AMENDED: January 2004
AMENDED: June 2006
AMENDED: June 2008
AMENDED: April 2009

COMMITTEE:
Kenneth Zatlin, Chairman
John McWhirk
Richard Abbott
David Black
James Clark