

SENDZIK & SENDZIK
A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
1808 ROUTE 88, BRICK, NEW JERSEY 08724
(732) 840-6464 (732) 840-0009 TELEFAX
SENDZIKLAW@COMCAST.NET

JAY C. SENDZIK*
KATE SENDZIK HAINES

January 23, 2024

JANICE L. RICHTER
Of Counsel

*1977-2021

Steve
Opra+request-57300-038afeda@requests.opramachine.com

Dear Steve:

In response to your OPRA request received by the South Brunswick Fire District No. 3 on January 18, 2024 that sought "all communication from Steve manabico to David Luck and vice versa from May 2023 to December 2023. Include emails, text messages and a synopsis of all in person conversations", please be advised that due to a New Jersey Supreme Court decision in Verry v. Franklin Fire District No. 1, 230 N.J. 285 (2017), a fire company is not considered a public agency subject to OPRA. Whether requests to a fire district for fire company records are within the responsibility of the fire district is dependent upon whether the records sought are maintained by the fire district or are necessary for the fire district's supervisory function over the fire company.

Your request for all communications does not specify the subject matter of the emails sought, and may include personal communications not encompassed by OPRA. Further, your request for a synopsis of any in person conversations fails to specify an identifiable government record and seeks information rather than a specific government record, and is invalid under OPRA. The following emails sent or received by Commissioner Manobianco in connection with the business of the Fire District are enclosed for the period requested:

1. May 2, 2023 email from Steve Manobianco re: Request for Company Bylaws (1 page)
2. May 5, 2023 email from Steve Manobianco re: Second Request (1 page)
3. May 9, 2023 email from David Luck attaching Bylaws (14 pages)
4. November 2, 2023 email Steve Manobianco re Meeting with Commissioners (2 pages)
5. November 4, 2023 email David Luck re: second request (3 pages)
6. November 13, 2023 email David Luck re: Update on Meeting (2 pages)

Steve

Opra+request-57300-038afeda@requests.opramachine.co

January 23, 2024

7. November 17, 2023 email David Luck re: Update on Meeting (1 page)
8. November 22, 2023 email David Luck re: Fire Company Banquet (1 page)

The Records Custodian represents and affirms that the enclosed non-privileged documents are the entire documentation relative to your request. If you believe that your request for access to a government record has been denied or unfilled within the seven (7) business days required by law, you have a right to challenge the decision. At your option, you may either institute a proceeding in the Superior Court of New Jersey or file a complaint with the Government Records Council (GRC) by completing the Denial of Access Complaint Form. You may contact the GRC by toll-free telephone at (866) 850-0511, by mail at P.O. Box 819, Trenton, New Jersey 08625, by e-mail at grc@dca.state.nj.us, or at their web site at www.state.nj.us/grc. The GRC can also answer other questions about the law. All questions regarding complaints filed in the Superior Court should be directed to the Court Clerk in your county.

Very truly yours,

SENDZIK & SENDZIK, P.C.



KATE SENDZIK HAINES, ESQ.

KSH:jj

Enclosures

cc: board@sbfiredistrict3.com (w/encl.)

From: [David Luck](#)
To: [District 3 Commissioner Steve Manobianco](#); [Executive Officers](#); [John Luck](#)
Subject: RE: Request for company By Laws
Date: Tuesday, May 9, 2023 7:11:21 PM
Attachments: [KVFC#1 By-Laws Formally adopted 08-01-2022 \(1\).pdf](#)

South Brunswick Board of Fire District 3:

Constitution and By-Laws of Kingston Volunteer Fire Company No. 1 are attached.

David Luck, President

From: steve.manobianco@sbfiredistrict3.com <steve.manobianco@sbfiredistrict3.com>
Sent: Friday, May 5, 2023 9:35 AM
To: Executive Officers; John Luck
Subject: FW: Request for company By Laws

From: steve.manobianco@sbfiredistrict3.com <steve.manobianco@sbfiredistrict3.com>
Sent: Friday, May 5, 2023 9:05 AM
To: Chief
Cc: board@sbfiredistrict3.com; Executive Officers
Subject: RE: Request for company By Laws

Second Request

Hi....just a reminder to send over the By Laws to the District.

Thanks
Steve

From: steve.manobianco@sbfiredistrict3.com <steve.manobianco@sbfiredistrict3.com>
Sent: Tuesday, May 2, 2023 5:31 PM
To: Chief
Cc: board@sbfiredistrict3.com; Executive Officers
Subject: Request for company By Laws

Hi Chief,

I am writing to request a copy of the KVFC By-Laws. As you may be aware, the board is responsible for ensuring that both volunteer and paid staff comply with the South Brunswick Township Fire Service Standard Operating Guidelines (SOGs). The current SOGs reference the KVFC By-Laws eight times, which makes it necessary for us to have a copy of the By-Laws to fulfill our legal obligations.

I would appreciate it if you could provide me with the latest version of the company By-Laws as soon as possible. If you have any questions regarding this request, please do not hesitate to contact me.

Thank you for your time and assistance.

Sincerely,

Steve Manobianco

Chairman of The Board

South Brunswick Fire District 3

609.529.9809

steve.manobianco@sbfiredistrict3.com

www.sbfiredistrict3.com

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual(s) or entity(ies) named in the e-mail address. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please notify the sender immediately, and then please delete the message from your system.

CONSTITUTION AND BY-LAWS
OF
KINGSTON VOLUNTEER FIRE COMPANY NO. 1, Inc.

PREAMBLE

WHEREAS there is necessary some means to reduce the Fire Hazard, be it

RESOLVED, that we have incorporated ourselves for that purpose and to promote good fellowship and understanding among the citizens, and to forward the general welfare of the Community of Kingston, and we further PLEDGE ourselves to sustain our duly elected and installed officers in the performance of their duties as set forth in the following CONSTITUTION AND BY-LAWS, and we further pledge co-operation on our parts to the fullest extent possible.

CONSTITUTION AND BY-LAWS

Article I – Name and Object

1. Name

- A. This organization shall be known as the Kingston Volunteer Fire Company No. 1.
- B. The main premises of the Kingston Volunteer Fire Company Number One (Company) are located on Heathcote Brook Road in the Village of Kingston, Township of South Brunswick, State of New Jersey.

2. Object

- A. This Company will undertake to suppress all fires occurring in the community of Kingston, New Jersey, and in nearby communities desiring our aid, and further promises,
- B. To cooperate in any cause which is for the good of the Community, such as
 - i. Protection of Life and Property.
 - ii. Preservation of Law and Order.
 - iii. Defense of the United States in time of war.

Article II – Membership

1. Conduct

All Members of the Kingston Volunteer Fire Company No. 1 are expected to conduct themselves at all times in such a manner as will convey a positive image of the Company and will in no way impact or reflect adversely on the Company.

2. Categories

Membership in the Kingston Volunteer Fire Company No. 1 shall be in seven categories: Active, Contributory, Associate, Affiliate, Junior, Life, and Honorary. Membership shall be available to male and female without distinction. A person cannot be a member of this Company and the Kingston Fire Company Ladies Auxiliary at the same time.

3. Discrimination

Members will not be discriminated against on the basis of race, color, national origin, age, disability, sex, gender identity, religion, reprisal, political beliefs, marital status, familial or parental status, sexual orientation, or income.

4. Certificates

All Members will be given an appropriate certificate indicating their type of membership.

5. Standards

A set of standards for each category shall be established initially by the Membership, and shall be amended from time to time by a 2/3 majority vote at a Special Meeting called for such purpose or at a Regular Meeting following notification to all members that these standards may be amended at that meeting. The Executive Committee shall review the records of all members who fail to meet these standards and shall impose probation or recommend termination as deemed appropriate.

6. Application

- A. Applicants for Membership must submit a Company Application Form for Active, Contributory, Affiliate or Junior Membership, which shall be reviewed at a meeting with the Membership Committee and to be approved or not approved by said committee.
- B. Applicants shall not be discriminated against in compliance with the Discrimination clause of Article II Part 3.
- C. A Background Check Information Form shall be submitted at time of application.

D. An applicant must have two references.

E. Applicants for Junior Membership must have one parent or guardian attend the membership review meeting.

7. Active Member

An Active Member shall participate in all fire fighting operations of the Company including Firefighting Operations. To become an Active Member, an individual must be a legal resident of the United States, reside or work within our Fire District Lines or within the boundaries of any bordering fire company or district, hold a High School diploma or equivalent or be presently enrolled in High School, and be at least eighteen (18) years old.

8. Contributory Members

A Contributory Member shall refrain from participation in Firefighting Operations without expressed permission from the Chief, but shall participate in all other Company functions. To become a Contributory Member, an individual must be a legal resident of the United States, hold a High School diploma or equivalent or be presently enrolled in High School, and be at least eighteen (18) years old.

9. Associate Members

- A. Associate Members shall be those who have previously qualified for and served as an Active or Contributory Member and, upon the recommendation of the Executive Committee, were approved for transfer to Associate Membership by a 2/3 majority vote at any Regular Meeting or Special Meeting called for such purpose.
- B. Upon meeting the requirements and standards for Active or Contributory membership, an Associate Member may request to be transferred back to said category. Said transfer request shall be reviewed by the Executive Committee and approved or not approved by said committee.

10. Affiliate Member

An Affiliate Member shall be a member or employee of another New Jersey Fire Department who shall participate in the Firefighting Operations of the Kingston Volunteer Fire Company No. 1. To become an Affiliate Member, an individual must be a legal resident of the United States, reside or work within the State of New Jersey, be a good-standing member or employee of a New Jersey Fire Department, possess a valid New Jersey State Firefighter I certificate, hold a High School diploma or equivalent, be at least eighteen (18) years old and be recommended by the membership committee based upon the ability of the individual to make a significant contribution to the firefighting operations of the Company.

11. Junior Members

Junior Members shall be those individuals between the ages of sixteen (16) and eighteen (18) years who are otherwise qualified to become Active or Contributory Members and have filed with the Secretary a proper statement of parental consent and waiver of claims against the Company and its members for personal injury. Junior members enrolled in High School shall maintain a satisfactory academic standing at said school. Junior Members, hereinafter defined, shall become Active or Contributory Members upon the recommendation of the Executive Committee, reaching the age of eighteen (18), and being otherwise qualified.

12. Life Members

- A. Life Members shall be those members who have been elected for Life Membership as reward for, and in recognition of, their continuous membership, high activity and/or meritorious service.*
- B. Life Members shall not be required to pay any dues or assessments.
- C. Election to Life Membership shall be by the following:
- A "Life Membership Review Subcommittee" comprised solely of five Life Members shall be established with the duty of reviewing potential candidates for their worthiness of this honor.
 - A "Life Member Committee" comprised solely of any and all Life Members shall hold an annual private meeting immediately following the Regular September Meeting of the Company or at a special committee meeting called by the President following written notification to all Life Members at least 10 days prior.

- iii. The Life Membership Review Sub-Committee shall present the records of worthy candidates for election to those present at said meeting
- iv. Election to Life Membership shall be by a 2/3 majority vote of those Life Members present at said committee meeting regardless of their voting status.

D. This Section may not be waived

**Continuous membership shall mean twenty-five (25) years in the Company. High Activity shall refer to fifteen (15) years of Highly Exemplary Active Service. Meritorious service is that performance which is far above and beyond the norm. The Committee shall use these criteria as guidelines in their selection of Life Member Candidates. The average active member would likely be nominated for Life Membership after completing twenty (20) years of continuous active service.*

13. Honorary Members

An Honorary Member shall be any person who may be elected to such membership by a 2/3 majority vote at any Regular Meeting for outstanding service rendered to the Fire Company. This type of membership shall be free of dues or assessments and shall have the privileges of participation in the general affairs of the Company.

14. Voting Rights

A. General Business Voting

- i. The right to vote on general business at any Regular or Special Meeting shall be restricted to Active, Contributory, and Life Members only. Associate, Junior, Affiliate, and Honorary Members shall be allowed a voice at such meeting but shall not have a vote.
- ii. The Presiding Officer shall only have a vote on general business in the case of a tie vote.
- iii. No member will have the right to vote on general business unless: they have attended at least 50% of all Regular Meetings for which they were not excused during the previous calendar year (with a minimum of three (3) meetings attended); OR attended at least six (6) Regular Meetings during the current calendar year. The calendar year shall run from January 1 to December 31.
- iv. A new member must attend three (3) Regular Meetings and at least 50% of all Regular Meetings for which they are not excused prior to gaining the right to vote. The new member would then be eligible to vote at the next meeting attended and all meetings remaining in the calendar year provided they maintain the 50% attendance level. They then must meet the 50%/six meeting requirement above to vote in future years.

B. Election Voting

i. Executive Officers

- a) The right to vote on the election of Executive Officers of the Company shall be restricted to Life, Active, and Contributory Members, with at least one year of service. Associate, Affiliate, Honorary, and Junior Members shall not have a vote.
- b) Only those members with General Business Voting Rights, may vote for Executive Officers.

ii. Line Officers

- a) The right to vote on the election of Line Officers of the Company shall be restricted to Life and Active Members with at least one year of service. Contributory, Associate, Affiliate, Honorary, and Junior Members shall not have a vote.
- b) Only those members who have attended at least 25% of the total combined number of Fire Calls and Drills during the previous or current calendar year may vote for Line Officers. The current calendar year for the purpose of determining eligibility to vote runs from January 1st. to October 31st.
- c) This Section may not be waived.

15. Probation/Suspension/Termination

A. Probation

i. Membership Probation

- a) A Member may be placed on Membership Probation by the Executive Committee for cause.
- b) Such reasons for probation may include but are not limited to: Improper Conduct, Failure to Maintain Company Standards, or Violation of By-Laws.

- c) All New Members shall be on Membership Probation for a period of six (6) to twelve (12) months or until such time as they have proven their competency to the Executive Committee
 - d) Membership Probation shall be handled on an individual basis by the Executive Committee and at their discretion may or may not include the requirement or limitation of said individual's participation in certain events and/or activities of the Company.
 - e) The Executive Committee shall also determine the length of probation time for said individual and they alone shall have the authority to remove said individual from Membership Probation.
- ii. Probationary Firefighter**
- a) A Member may be classified as a Probationary Firefighter by the Chief as outlined in the Line Policy.
 - b) Any Member so classified shall follow all rules of said Policy as it pertains to Probationary Firefighters.

B. Suspension or Expulsion

i. General Suspension or Expulsion

- a) The Membership by a 2/3 majority vote at any meeting may suspend or expel a member for cause.
- b) Such member shall have a right to appeal the suspension or expulsion by making a written request to the President within thirty (30) days of such suspension or expulsion.
- c) Upon receipt of such request, the President shall call a Special Meeting to consider the appeal within fifteen (15) days of receipt of the written request.
- d) A Quorum as defined elsewhere in these By-Laws shall be required at this meeting.
- e) A 2/3 majority vote is required to uphold the suspension or expulsion under appeal.

ii. Suspension from Firefighting Operations

- a) The Chief of the Fire Company may suspend a member, in part or in whole, from the fire fighting activities of the Company for any period of time not to exceed thirty (30) days, if in his or her sole determination, such member has violated any portion of the Company's Line Policy or by their continued presence at the fireground or station they contribute to an unsafe condition for firefighting activity.
- b) The Chief may suspend for a period of more than thirty (30) days for just cause, however, any such suspension shall be automatically heard by the appeal board for said suspension to be upheld or not by them.
- c) These powers of suspension shall pass down to the Deputy Chief in the absence of the Chief.
- d) The appeal board shall consist of the President, Vice President, all active Past Chiefs, and the nonsuspending Chief or Deputy Chief.
- e) If the suspended member is not satisfied with the Appeal Board's decision, they may appeal the suspension under the guidelines of "General Suspension or Expulsion" stated above.
- f) The only reason for an appeal on a suspension required by the Insurance Company will be based on the facts acquired by the Insurance Company.

C. Resignation

Any member may resign by filing with the Secretary a proper letter of resignation. Such resignation shall not relieve members of dues or other obligations and the return of all Fire Company equipment and/or records and books within thirty (30) days of the effective date of the resignation, unless relief is requested of and granted by the Executive Committee.

D. Reinstatement

Upon proper written request filed with the Secretary and by a 3/4 majority vote at any Regular Meeting an individual may be reinstated.

16. Leave/Excuse of Absence

- A. A member may be granted a Leave of Absence for cause and shall be excused from all activities during the approved time period.
- B. Such causes shall include but are not limited to military service, school, temporary work relocation, or a prolonged illness or injury to the member or a member of his or her immediate family.

- C. The period of each leave of absence must be for a minimum of thirty (30) days and a maximum of one (1) year long and is renewable upon proper written request.
- D. Requests for Leaves of Absence must be submitted to the Secretary in writing prior to the start of the period to be covered, detailing the reason for the request along with the dates and times being affected. It shall then be reviewed by the Executive Committee within two weeks of receipt and the Committee will issue a determination to the applicant. Applicants who are not notified by the end of the two-week review period shall consider the request approved.
- E. Any approved Leaves of Absence shall be read into the record by the Secretary at the next scheduled regular meeting.
- F. Appeals of any such decisions from any aggrieved member may be made to the membership at a regular or special meeting.

Article III – Meetings

1. Regular Meetings

Regular Meetings will be held on the first Monday of each month at 7:45 p.m. If the Regular Meeting date falls on a holiday, the meeting will be held on the Tuesday after the holiday.

2. Special Meetings

A Special Meeting may be called by a majority vote at a Regular Meeting, by the President as may be required by these By-Laws, or by written petition of ten (10) Active, Contributory, and/or Life Members submitted to the Secretary. These ten (10) individuals must be present for the Special Meeting. The only waiver will be sickness or death in the family. Special Meetings shall be restricted to cover only the specific subject or subjects stated in the call for such meeting.

3. Place of Meetings

All Meetings of the Company shall be held at the Main Fire House.

4. Notice of Meetings

No notice shall be required for Regular Meetings. Notice of Special Meetings shall be posted and distributed to all members at least 5 days prior to date of such Special Meeting.

5. Quorum

A Quorum for any meeting shall consist of not less than ten (10), or not less than one half of the total, general business voting members, one of whom shall be an Executive Officer. For Quorum purposes, members' general business voting eligibility shall be judged as of January 1 of the present year. A Special Meeting may also require that specific members be present as required elsewhere by these By-Laws.

6. Voting

Each member eligible to vote shall be allowed only one vote on each issue. There shall be no voting by proxy. Voting by mail shall be allowed only for the election of officers where a member has a justified reason for their absence from the meeting when the election is held.

7. Presiding Officer

The order of presiding officer for any Regular or Special meetings shall be President, Vice President, Secretary, Treasurer, Assistant Secretary, Most Senior Trustee present.

Article IV – Officers

1. Officer Classes

The officers of the Fire Company shall be in two classes, Executive Officers and Line Officers.

2. Executive Officers

- A.** The Executive Officers shall consist of the President, Vice President, Secretary, Assistant Secretary, Treasurer and Three (3) Trustees.
- B.** The Executive Committee shall be comprised of the President, Vice President, Secretary, Assistant Secretary, and Treasurer.

3. Line Officers

Line Officers shall consist of the Chief, Deputy Chief, Two (2) Captains and Two (2) Lieutenants.

4 Executive Officers

- A.** Executive Officers shall be Active, Contributory or Life Members. No Member shall be eligible for an Executive office unless they have been a Member for one year, are eligible to vote for Executive Officers at time of election, and maintain eligibility to vote on General Business for the length of their term.
- B.** A commissioner for any Fire District which contracts directly or indirectly with the Company for service shall not serve as President or Vice President.

5. Line Officer Qualifications

- A.** Line Officers shall be Active or Life Members. No Member shall be eligible for a Line Office unless they have been a Member for one year, are eligible to vote for Line Officers at the time of election, are fully qualified to operate all equipment, and meet all other requirements as set by the body.
- B.** A commissioner for any Fire District which contracts directly or indirectly with the Company for service shall not serve as Chief or Deputy Chief.

6. Dual Offices

- A.** No member may hold more than one (1) elected office concurrently.
- B.** This restriction may be waived if no other member is willing and qualified to hold said office.

7. Term of Office

All elected officers, except Trustees, shall serve a term of one year from January 1 to December 31, unless re-elected. Trustees' terms shall be for three years with one term expiring every year.

8. Vacancies

- A.** Vacancies caused by death, resignation, or removal from office may (not a necessity) be filled by the Membership via the election process at any Regular or Special Meeting called for such purpose.
- B.** Any officer so elected shall serve for the unexpired term of the office for which they were elected.
- C.** The President shall have the authority to temporarily appoint an eligible Member to fill any vacant office if he deems it necessary. Such appointment will be until an election can be held and shall not exceed sixty (60) days in length.

9. Nominations and Election of Officers

A. Nominating Committee

- i.** A Nominating Committee consisting of five Active, Contributory, and/or Life Members who are all voting members, excluding the current Executive and Line Officers, shall be appointed at or before the Regular September Meeting.
- ii.** At least three members of this committee shall be qualified to vote for each officer class.

B. Annual Elections

- i. For the annual election, the Committee shall prepare a slate of candidates for each office, to be presented to the Membership at the Regular October Meeting.
- ii. Nominations for the annual election may be made from the floor at the Regular November Meeting by any member eligible to vote for said office.
- iii. In order to be listed as a candidate on the ballot, a member nominated from the floor must accept their nomination either verbally at said meeting or via written notification to the President or Presiding Officer to be received by him or her at least one week after the November Meeting.
- iv. The Annual election of officers shall take place at the Regular December Meeting. A list of candidates shall be provided to the President for certification and shall be posted in the Firehouse within two (2) weeks after of the November Business meeting. If a discrepancy in the list of candidates is noted, the President or Presiding Officer shall be notified in writing of the issue.

C. Special Elections

- i. For Special Elections (i.e. vacancies) the nominating committee shall prepare and post a slate of candidates in the Fire House two weeks prior to the Regular or Special Meeting at which said election shall be held.
- ii. Nominations may be made from the floor by any member eligible to vote for said office at anytime prior to said election.
- iii. In order to be listed as a candidate on the ballot, a member nominated from the floor must accept their nomination either verbally at said meeting or via written letter to the President to be received by him or her at least two weeks prior to said election.

10. Balloting and Vote Tabulation

- A. A list of eligible voters as of October 31st for the line and executive officers shall be distributed to the members two (2) weeks after the November meeting. The list shall be certified by the President for the Executive Offices and the Chief for Line Officers prior to the start of December business meeting.
 - i. If any member believes there is a discrepancy in their eligibility, the member may appeal in writing up to one week prior to the December meeting, to the President or designee for administrative offices and the Chief or designee for line officers.
 - ii. Any discrepancies found on the list of potential voters shall be addressed prior to the commencement of voting.
- B. The President shall recertify the ballots (Executive and Line Officers) are correct prior to the start of voting.
- C. The election of officers shall be completed by secret ballot.
- D. A member may request an absentee ballot if they are not able to attend the December Business meeting or Special Election meeting.
 - i. The President shall ensure any person requesting an absentee ballot does not vote twice.
 - ii. Each absentee ballot shall be placed in a sealed envelope and must contain the following on the outside of the envelope:
 - a. Printed name of voting member
 - b. Signature of member across the seal
 - c. Identify if the ballot is for Executive or Line Officers
 - iii. The Absentee Ballot shall be turned into the President or designee prior to the start of the December Business meeting or special Election meeting.
 - iv. The President shall present absentee ballot(s) to the tellers just prior to the commencement of voting.
- E. Failure to gain a simple majority of votes due to a tie, shall require a runoff of remaining candidates.

- F. The {President shall appoint prior to the start of election voting at least two (2) Tellers and two (2) Alternate Tellers to issue ballots to eligible voters and to count the votes prior to the start of the elections. Tellers should not be a candidate for any administrative or line office.
 - i. Tellers shall provide a written report of election results. The written report shall contain the following:
 - a. The number of ballots distributed and the total of votes cast shall be reported
 - b. The position and person elected
 - ii. The alternates shall only be utilized if the reported election results are being challenged. In the event the results are challenged, the Alternate Tellers will verify the previous count of the Tellers/
- G. All Ballots shall be destroyed with a majority vote of membership.
- H. This section shall not be waived.

11. Duties of Officers

A. President

- Preside at all Regular or Special Meetings of the Company at which he or she is present; appoint all standing and special committees; impartially enforce these By-Laws and see that all officers and committees perform their duties.

B. Vice President

- Act in the capacity of the President in the President's absence.
- The Vice President shall also serve as Chair of the Membership Committee.

C. Secretary

- Keep a record of the Company proceedings and post all meeting minutes within three weeks so they may be reviewed by the Membership for approval; keep a book containing these By-Laws, detailed accounts of all ByLaw amendments and waivers, and a copy of all Company Resolutions; receive and record all money for donations and turn same over to the Treasurer; maintain a roster of officers, committee members and members by classification; be responsible for all non-financial Company records.

D. Assistant Secretary

- Assist the Secretary where possible; be responsible for membership applications and maintain individual activity and attendance records.

E. Treasurer

- Keep a regular accounting of all receipts and disbursements of money; render a full account of all receipts and disbursements not provided for elsewhere; file monthly and annual financial summaries and turn books over for audit at the Regular February Meeting. The Treasurer is responsible for facilitating required fiduciary and legal filings with government agencies.

F. Trustees

- Take charge of all property of the Company; under direction of the Company authorize alterations or changes to buildings, apparatus or furniture; during recess of the Company authorize the purchase of any necessary article or appurtenances, the amount to be set annually; be responsible for all ordinary maintenance and repair.

G. Chief

- Take Command at all fires; be responsible for keeping firefighting apparatus and everything pertaining to it in good order and repair; maintain a proper drill schedule to ensure all Firefighters have proper training; keep detailed monthly and yearly records of members attending Engine Room Activities and promptly post and turn same over to the Secretary; report members not prompt in the performance of their duty to the membership; maintain the list of qualified operators; maintain a written Line Policy to act as a guide for Firefighting Operations; and see that all Fire Reports are properly filed.
- The Chief shall have the authority to issue all proper orders in relation to the operation of the Company and its equipment at fires, drills and other occasions where the equipment is used.

- The Chief shall attend the Chief's Association and Fire District Meetings for both Townships, as well as all other meetings pertaining to the firefighting operations of this Company.

H. Deputy Chief

- Assist the Chief in the performance of his or her duties and perform additional duties as assigned by the Chief; attend all meetings as required.
- In the absence of the Chief, the Deputy Chief shall take Command of the Company and assume all powers and duties of the Chief.

I. Captains

- A. Perform such duties as assigned by the Chief.

J Lieutenants

- A Assist the Captains and perform additional duties as assigned by the Chief.

Article V – Board of Engineers

1. Definition

The Board of Engineers shall be a group of three members whose duty is to teach the operation of the Company's equipment.

2. Appointment

Engineers should be active past chiefs or other long-serving active past officers, and will be appointed by the President upon the recommendation of the Chief.

3. Qualifications

Engineers must be qualified operators on all equipment.

4. Duties

Engineers are responsible for the training of members on the operation of Company apparatus, and will submit the names of members who they feel are qualified to be driver operators to the Chief for final approval. They will also assist the Line Officers with their duties whenever possible.

Article VI – Driver Operators

1. Definition

An approved member qualified in the driving and operation of one or more of the Company's major apparatus shall be deemed a Driver Operator.

2. Approval

Driver Operators shall be approved or not approved by the Chief upon the recommendation of the Board of Engineers.

3. Line Officers as Driver Operators

If at any time an elected Line Officer assumes the duties of a Driver Operator, upon the appearance of a qualified operator, the Officer shall immediately have said member perform the Driver Operator duties, so as to act in the capacity of the office which elected to.

4. Re-qualification

Listed Operators must re-qualify, at any time, when and if requested to do so by the Chief.

Article VII – Fires and Drills

1. Fires

It is the responsibility of all Active Members to report for all fires whenever they are available to do so.

2. Drills

The Chief shall order via proper notice: not less than one drill a month, nor more than twenty-four (24) drills per year, without prior approval by the body at a Regular or Special Meeting called for that purpose. It is the responsibility of all Active Members to maintain adequate drill participation levels.

3. Command

Command of the Company at all fires and drills shall fall upon the Chief or Deputy Chief as outlined in these By-Laws under Duties of Officers. In their absence, succession of command shall be the following ranks: Captain; Lieutenant; Engineer; Past Chief; Operator; Firefighter with seniority within each rank taking precedence when necessary.

4. Seniority Within Ranks

Seniority within the ranks of Captain, Lieutenant, Operator and Firefighter shall First be based on length of service holding said rank and Second based on length of overall service within the Company. Seniority for Engineers is as ranked by the Chief. Seniority for Past Chiefs is based upon when they last held that position with the more recent Past Chief having seniority.

Article VIII – Committees

1. Standing Committees

- A. Membership
- B. Fund Raising
- C. Welfare
- D. Executive
- E. Life Membership
- F. By-Laws / Legal
- G. Nominating

2. Standing Committee Members

Standing Committees members, if not specified for elsewhere, shall be appointed by the President.

3. Special Committees

Special Committees shall be appointed by the President for any limited purpose and shall be disbanded automatically upon the completion of its function or upon the term of the President.

Article IX – Contracts, Legal Filings and Deposits

1. Contracts and Filings

- A. Contracts, other than repair and maintenance and new items as covered elsewhere in these By-Laws, which are in excess of a threshold amount set by the body annually, must be approved by two-thirds (2/3) majority vote at a Regular or Special Meeting.
- B. All Contracts and Legal Filings approved by the Membership shall be signed by the President or Vice President and one additional Executive Officer, unless otherwise called for.
- C. All Contracts shall be attested to by the Secretary or Assistant Secretary and have the Company Seal affixed.

2. Company Funds

- A. Funds are to be kept in a depository decided by the Membership.
- B. Funds are to be kept in accounts in such form as Membership deems advisable.
- C. The signatories on all company funds will be:
 - i. Treasurer
 - ii. President
 - iii. Vice President
 - iv. Secretary
- D. All expenditures in excess of a threshold amount to be set annually are to be authorized by any two of the following:
 - i. Treasurer
 - ii. President
 - iii. Vice President
 - iv. Secretary
- E. The Executive Committee shall recommend annually the threshold amount and member assignment of credit and debit -*cards.
- F. An annual audit is to be performed each year unless specifically waived by the membership. Unless otherwise requested by the body, this audit shall be performed by an internal committee. A written report on this Audit shall be submitted on or before the June Meeting.
- G. Financial Records shall be available for Members inspection upon written request to the President.

Article X – Fiscal Year

- 1. For all purposes, the fiscal year for operations of the Fire Company shall be on a calendar basis, from January 1st through December 31st of each year.
- 2. This Article may not be waived.

Article XI – Company Seal

- 1. The Fire Company shall possess a seal which shall be impressed on all official contracts.
- 2. This seal shall be in the custody of the Secretary or the Assistant Secretary in the absence of the Secretary.

Article XII – Books, Records and Equipment

- 1. All books, records, uniforms, and equipment are the property of the Fire Company and shall be surrendered by members within thirty (30) days of the termination of their membership.
- 2. Officers shall turn same over to their successors immediately upon the termination of their term or to the President upon their resignation.
- 3. All completed records shall be filed in the Fire House under control of the Secretary and/or President.

Article XIII – Waiving

- 1. Unless specifically stated otherwise, any Article/Section/Subsection of these By-Laws may be waived for cause at any meeting by a 3/4 majority vote.

Article XIV – Amendments

1. The Preceding Constitution and By-Laws may be amended by a 2/3 majority vote at three consecutive separate Meetings, Regular or Special
2. This Article may not be waived.

Formally Adopted July 1, 2013

Revisions Formally Adopted August 1, 2022

1924 Committee

William Perkins, Chairman
Charles Stryker
B. L. Gulick

2013 Committee

James L. Luck, Chairman
John H. Luck
Steve Manobianco
Jim Robbins

2022 Committee

David W. Luck, Chairman
John Luck
Patti Shennard
James Luck
David Johnson
Frank Toscano

From: Steve Manobianco
<steve.manobianco@sbfiredistrict3.com>
Sent: Thursday, November 2, 2023 6:13 PM
To: Chief@kingstonfireco.com;
President
<president@kingstonfireco.com>
Cc: Augie Racanati
<augie.racanati@sbfiredistrict3.com>;
SBFireDistrict3 Board
<board@sbfiredistrict3.com>
Subject: Meeting with Commissioners
Manobianco and Racanati

Hi Chief and President,

I would like to have a meeting with the both of you and Commissioner Racanati before this months district meeting.

The topics for discussion,

1. OPRA Request- response responsibilities and content
2. Current call response data
3. Details of the DCA audit and,
3. Remediation plan

Please email me with several convenient dates and times and I will confirm.

Thanks in advance

Stephen Manobianco

Chairman

South Brunswick Fire District 3

609.529.9809

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual(s) or entity(ies) named in the e-mail address. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please notify the sender immediately, and then please delete the message from your system.

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual(s) or entity(ies) named in the e-mail address. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please notify the sender immediately, and then please delete the message from your system.

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual(s) or entity(ies) named in the e-mail address. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please notify the sender immediately, and then please delete the message from your system.

From: David Luck
To: District 3 Commissioner Agostino Racanati
Cc: District 3 Commissioner Steve Manobianco; John Luck; Chief; President; District 3 Board Member Email
Subject: Re: Second Request - RE: Meeting with Commissioners Manobianco and Racanati
Date: Saturday, November 4, 2023 2:27:04 PM

Are we confirming 4:30 for Tuesday?
David

Sent from my iPhone

On Nov 4, 2023, at 2:17 PM, Augie Racanati
<augie.racanati@sbfiredistrict3.com> wrote:

Works for me

On Sat, Nov 4, 2023, 2:16 PM Steve Manobianco
<steve.manobianco@sbfiredistrict3.com> wrote:
How does 4:30 at the firehouse work for everyone?

Stephen Manobianco
609.529.9809

On Nov 4, 2023, at 2:10 PM, Augie Racanati
<augie.racanati@sbfiredistrict3.com> wrote:

Hello,

I can only do Tuesday after at 4 or later.

Thank you,
Augie

On Sat, Nov 4, 2023, 2:03 PM John Luck
<John.Luck@kingstonfireco.com> wrote:

Good Afternoon Chairman Manobianco,

I have spoken with President David Luck and we would be available next Tuesday, November 7th or Wednesday, November 8th. On either date we would be available after 4 PM. Let us

know what day and time is best for you.

Regards,

Chief John H. Luck

Kingston Volunteer Fire Co., No. 1

From: Steve Manobianco
<steve.manobianco@sbfiredistrict3.com>
Sent: Saturday, November 4, 2023 1:22 PM
To: David Luck <David.Luck@kingstonfireco.com>
Cc: Chief <chief@kingstonfireco.com>; President
<president@kingstonfireco.com>; District 3 Commissioner
Agostino Racanati <augie.racanati@sbfiredistrict3.com>; District
3 Board Member Email <board@sbfiredistrict3.com>
Subject: Re: Second Request - RE: Meeting with Commissioners
Manobianco and Racanati

I haven't received an email from the Cheif as of yet.

He said he would be sending.

Stephen Manobianco

609.529.9809

On Nov 4, 2023, at 1:09 PM, David Luck
<David.Luck@kingstonfireco.com> wrote:

Steve:

I understand the Chief already replied and waiting
for your response.

David

Sent from my iPhone

On Nov 4, 2023, at 11:45 AM,
steve.manobianco@sbfiredistrict3.com
wrote:

Hi Chief and President Luck,

This is a follow up to my request to
schedule a meeting with you before this
month's District meeting. Can you
please provide a few dates and times?

Thanks in advance for your attention to
this matter.

Regards,

Steve Manobianco

Chairman of The Board

South Brunswick Fire District 3

609.529.9809

steve.manobianco@sbfiredistrict3.com

www.sbfiredistrict3.com

From: David Luck
To: District 3 Commissioner Steve Manobianco; District 3 Commissioner Agostino Racanati
Cc: District 3 Board Member Email
Subject: Fwd: Update on meeting between Fire District 3 and Fire Company...
Date: Friday, November 17, 2023 10:34:53 AM

Steve and Augie:

Thank you for organizing and requesting the joint meeting between the Fire Company and Fire District 3 on November 7.

The sentiments expressed during this meeting demonstrated a willingness to work together and move forward. In regards to this commitment, I sent the attached email to All Members of the Fire Company on November 13.

We look forward to healing the divide and moving forward with a focus on unity.

David Luck, President

Sent from my iPhone

Begin forwarded message:

From: David Luck <David.Luck@kingstonfireco.com>
Date: November 13, 2023 at 7:46:49 PM EST
To: All Members <members@kingstonfireco.com>
Subject: Update on meeting between Fire District 3 and Fire Company...

All Members:

The Chief and I met with representatives from Fire District 3 (Chairman Steve Manobianco and Assistant Secretary/Treasurer Augie Racanati) on Tuesday, November 7. During the course of this meeting, we discussed various aspects of OPRA requests received by Fire District 3, current call response data, current status of the pending DCA audit and how to best move forward in unity between the two organizations. All parties agreed the Public Portion of the District Meeting should not continue to be our preferred way to communicate and the Fire District indicated their desire to work together with the Chief and President to resolve issues and concerns.

We are asking all members to respect the chain of command within the Fire Company and funnel concerns or complaints to the Chief or President to work them through this new agreement to better work together in resolving issues. Please do not interpret this as an attempt by any of the individuals involved in this meeting as a method of silencing your voice as a private citizen, but rather as an

effort to provide a united front of the fire company membership to the public and to rebuild a strong working relationship between the two organizations.

Comments and questions are welcome to both Chief and President.

David W. Luck, President

Kingston Volunteer Fire Company #1

PO Box 222

Kingston, NJ 08528-0222

Personal Cell: 609-712-1109

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual(s) or entity(ies) named in the e-mail address. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please notify the sender immediately, and then please delete the message from your system.

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual(s) or entity(ies) named in the e-mail address. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please notify the sender immediately, and then please delete the message from your system.

From: David Luck
To: District 3 Commissioner Steve Manobianco; District 4 Commissioner Glen McParland
Subject: Fire Company Banquet Invitation - Please RSVP
Date: Wednesday, November 22, 2023 2:57:36 PM
Attachments: 2023Banquetwquest (1).docx

Dear Fire District Chair:

On behalf of the officers and members of the fire company you and a guest are invited to attend our Annual Banquet. Please RSVP as per attached invitation.

David W. Luck, President

Kingston Volunteer Fire Company #1
PO Box 222
Kingston, NJ 08528-0222
Personal Cell: 609-712-1109

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual(s) or entity(ies) named in the e-mail address. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please notify the sender immediately, and then please delete the message from your system.

This e-mail transmission may contain confidential or legally privileged information that is intended only for the individual(s) or entity(ies) named in the e-mail address. If you are not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution, or reliance upon the contents of this e-mail is strictly prohibited. If you have received this e-mail transmission in error, please notify the sender immediately, and then please delete the message from your system.