

MILMAY FIRE COMMISSIONERS  
(Fire District #4, Buena Vista Township, Atlantic County, NJ)

Mission

A Fire District Commissioner has the obligation with his or her fellow Commissioners of ensuring that the Fire District has the ability to extinguish and prevent fires. The purpose of a Fire District is to ensure fire protection for the residents and taxpayers of the Fire District. The Board of Fire Commissioners must ensure that this fire protection is provided, whether it be volunteer and/or paid personnel. In this regard a Commissioner makes decisions concerning fire safety including the expenditure of budgetary moneys to ensure that protection and services are provided. This includes such items as training, equipment, etc., for the volunteer and paid firefighters.

Meetings

Regular meetings of the fire commission are held on the second Tuesday of each month at 7:00PM at the fire hall. Special meetings may be called from time to time at the discretion of the commission. All regular or special meetings held by the Commissioners shall be held in compliance with the "Open Public Meetings Act" of the State of New Jersey. The purpose of the Act is to ensure that the public is aware of the business being conducted and may exercise its right to attend the meetings of the Fire District. All meetings are advertised in the local newspapers (The Daily Journal and The Press of Atlantic City). At least three members must be in attendance for any official business to be conducted. All votes are by a majority of members in attendance.

Duties and Responsibilities

The Commissioners shall follow the laws, guidelines and financial structure so outlined by the State of New Jersey in the forming and maintaining of Buena Vista Township Fire District No.4.

It shall be the duty of the Commissioners to take charge of the property of the Company and see that it is properly taken care of. They shall have power to transact all business which may come up from time to time between the dates of the regular meetings and for which it is not deemed necessary to call special meeting of the Company.

The Commissioners shall receive complaints, and consider all reasons why any applicant for membership should not be entitled to consideration before this Company, and shall have full power to decide whether such is of importance to be brought before the meeting, at which such applicant for membership is to be voted upon.

They shall receive and consider all charges against the attitude or conduct of any member of the Company, which shall have been considered detrimental to the

general welfare of the Company and shall have full power to decide whether the same is of sufficient importance to be brought before the meeting and shall recommend punishment.

They shall receive and pass upon all excuses given. They shall meet at call and at each meeting a majority of the members shall constitute a quorum for the transaction of business and a majority of the entire Board shall rule.

### Members

There are five duly elected Commissioners to the Board of Milmay Fire Commissioners. Each Commissioner serves a three year term and it expires on the first Tuesday in March at 12:00 noon. The terms are staggered so that two commissioners are elected for a full term in one election. In the next year's election, either one commissioner or two are elected for a full term. The next election would be for the remaining position(s) as the case may be. Therefore, no election would be held for filling more than two full terms at one time and one election in any three-year rotation would fill only one full term position.

### Qualifications

In order to be eligible to serve as a Commissioner you have to be a resident of Fire District No. 4 in Buena Vista Township, New Jersey and you must be of legal age (18). There is an additional requirement of being a registered voter. However, the New Jersey statute is not clear in this regard. There are no other requirements to serve as a Fire District Commissioner.

### Elections

An annual Fire District election is conducted in the 3<sup>rd</sup> Saturday in February between the hours of 2:00PM and 9:00PM. The New Jersey statutes mandate the date and hours as referenced herein. The election hours may extend beyond 9:00PM if voters are present and waiting to vote.

At the election the voters are to vote for the election of Commissioners, the budget and such other special issues such as capital items to be approved by the voters.

If a Fire District is conducting a special election the same polling hours and notice requirements must be followed, with additional notice requirements set forth in the statute if an annual or special election involves issuance of bonds.

Of particular concern relative to the Fire District election are two issues that arise repeatedly, the statutory deadline for submission of a candidacy petition to have a name placed on the ballot for Commissioner and whether an individual whose name does not appear on the ballot can be elected as a Commissioner by being a write-in candidate. These issues are resolved as follows:

1. The statute mandates that a candidacy petition be submitted no later than 28 days prior to the election. This date is always a Saturday when many Boards of Fire Commissioners are not open or available to receive the petition. Therefore, many Boards make the deadline the preceding Friday (29 days) or the subsequent Monday (27 days) and sometimes a legal holiday or Tuesday (26 days). A strict interpretation of the statute is that the petition deadline is Saturday (28 days). If the Board were to shorten this time frame this may be subject to legal challenge.

The Milmay Fire Commissioners requires that a candidacy petition be submitted no later than 28 days prior to the election.

2. The right to vote for a candidate of the voter's choosing is absolute. Therefore, write-in votes are permitted by law and while the form of ballot in the statute does not provide for such a scenario, many Election Boards require that absentee ballots provide for potential write-in votes.

### Budget

The Fire District operates with a budget formulated by the Board of Fire Commissioners to allow for the expenditure of moneys. It is either approved or disapproved by the voters at the annual election. If the budget is defeated, the local Municipal Government shall set a budget as prescribed by law. The budget allows the Fire District to operate from January 1 to December 31, which is the mandated fiscal year of all Fire Districts.

### Audit

In each year the Fire District must have an audit prepared concerning its financial operations. Additionally, a group affidavit must be executed signifying that the Commissioners understand and approve the audit report. Finally, a corrective action plan must be adopted by the Fire District addressing the deficiencies, if any, set forth by the auditor in the audit report and the actions to be undertaken to correct these deficiencies.