

# **Valley Stream Volunteer and Exempt Firefighter's Benevolent Association**

## Article 1

### **Organization**

#### Article 1 Section 1

The name of the organization shall be the Valley Stream Volunteer and Exempt Firefighter's Benevolent Association.

#### Article 1 Section 2

The principal office of the association shall be in Valley Stream, County of Nassau, State of New York. The association may also have offices at such other places within or without the State of New York as the board may from time to time determine or the business of the association may require.

## Article 2

### **PURPOSES**

The purposes for which this association have been organized are as follows:

- (a) maintenance of a suitable headquarters for the organization;
- (b) the promotion of fraternal intercourse among the members of such corporation;
- (c) the relief, aid and assistance of such members and their families of such corporation who are disabled or indigent;
- (d) the promotion of the welfare of the volunteer fire service within Valley Stream fire department and territory provided with fire protection by contract with such Village Fire Department.

## Article 3

### **MEMBERSHIP**

#### Article 3 Section 1 Qualifications for Membership:

All persons regardless of race, color, creed or national origin who are now, or who have been, or who hereafter shall be volunteer members of the Valley Stream fire department, or of any fire engine, hook and ladder, patrol, emergency rescue squad or hose company in the Village of Valley Stream, and all persons residing in the area afforded fire protection by such fire department who are entitled to the general exemption of volunteer firefighter as provided in the general municipal law, the village law, or any applicable law, shall be eligible to membership, except that any firefighter

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who has been removed for cause, expelled or dropped from the rolls of any fire company or department, shall not be eligible for membership in such corporation.

Any person shall cease to be a member of this association if the membership with the Valley Stream Fire Department is severed prior to serving at least 5 years in that department, or who becomes a salaried employee thereof, or who shall not have served at least 1 year prior to a time that the entire department may disband.

### **Article 3 Section 2 Membership Meetings:**

The annual membership meeting of the association will be held any day during the week of the third Tuesday in May of each year as determined by the president of the association. If said meeting cannot be held for good cause, then in that event, the board of trustees shall fix a day not more than 2 weeks from the date fixed by the president pursuant to these bylaws. The secretary shall cause to be mailed or emailed to every member in good standing at his address or email address as it appears on the membership roll book of the association a notice stating the time and place of the annual meeting.

A membership roll showing the list of members as of the record date, certified by the secretary of the association, shall be produced at any meeting of members upon written request therefore of any member. Such written request shall be made at least ten days prior to such meeting. All persons appearing on such membership roll shall be entitled to vote at the meeting.

The presence at any membership meeting of not less than 10 percent of the entire membership shall constitute a quorum and shall be necessary to conduct the business of the association; however, a lesser number may adjourn the meeting for a period of not more than two (2) weeks from the date scheduled by the by-laws and the secretary shall cause a notice of the re-scheduled date of the meeting to be sent to those members who were not present at the meeting originally called. A quorum as hereinbefore set forth shall be required at any adjourned meeting.

If at any time during any meeting a quorum no longer exists, all official business must cease.

### **Article 3 Section 3 Special Meeting**

Special meetings of the association may be called by the president, upon request of a majority of the board of Trustees (9) members of the board of trustees or upon receipt of written request of at least twenty-five (25) association members made to the President. The secretary shall cause a notice of such meeting to be mailed to all members at their addresses as they appear in the membership roll book at least ten days but not more than thirty days before the scheduled date of such meeting. Such notice shall state the date, time, place and purpose or purposes of the meeting and by whom called. All persons appearing on such membership roll shall be entitled to vote at the meeting.

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No other business but that specified in the notice may be transacted at such a special meeting without the unanimous consent of all present at such meeting.

### **Article 3 Section 4 Fixing Record Date:**

For the purpose of determining the members entitled to notice of or to vote at any meeting of members or any adjournment thereof, or to express consent to or dissent from any proposal without a meeting or for the purpose of determining the members entitled to receive any rights, or for the purpose of any other action, the board shall fix, in advance, a date as the record date for any such determination of members. Such date shall not be more than thirty nor less than ten days before any such meeting, nor more than thirty days prior to any other action.

### **Article 3 Section 5 Order of Business:**

The order of business at all meetings of members ( except Annual Meetings ) shall be as follows:

1. Pledge to the flag
2. Moment of silence for departed members
3. Roll call
4. Reading of the minutes of the preceding meeting
5. Bills and communications
6. Reports of committees
7. Reports of officers
8. Unfinished business
9. New business
10. Good and welfare
11. Adjournment

The order of business at the Annual Meeting shall be as follows

1. Pledge to the flag
2. Moment of silence for departed members
3. Election of Officers
4. Roll call
5. Adjournment

### **Article 3 Section 6 Membership Dues**

Dues are \$20.00 per year and due as of May 1. All applications for membership shall be on the forms supplied by the association and must be accompanied by the initiation fee of \$30.00, which includes the remainder of the first annual year's dues, said fee shall be returned if the candidate is rejected.

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All members of the association shall be exempt from the payment of all dues and assessments after 10 years membership in the association.

If a member so expelled desires to be reinstated, he or she must make application and meet the qualifications in the manner prescribed by the by-laws for a new member, provided such member shall pay an initiation application fee.

### Article 4

#### **BOARD OF TRUSTEES**

##### **Article 4 Section 1 Management of the Association:**

The control and disposal of the funds, property and estate of the said association, the exercise of its powers, and the management and control of its affairs shall be vested in and exercised by a board of trustees which shall consist of sixteen members of such corporation, viz: the president, the vice president, the recording secretary, the financial secretary, the treasurer and eleven other members having the title of trustee. All members of the board of trustees shall be members of the association in good standing who have served at least five (5) years active service in the department.

##### **Article 4 Section 2 Election and Term of Members of the Board of Trustees:**

At each annual meeting of members, the members shall elect the board of trustees consisting of 16 members to hold office until the next annual meeting, pursuant to the provisions of these by-laws.

The sixteen members of the Board shall be representative of the seven fire companies, two from each company, and two board members from the exempt members no longer active in the Valley Stream Fire Department, Inc.

The elected board of trustees will vote from among itself an executive board consisting of a president, vice president, recording secretary, financial secretary and treasurer.

##### **Article 4 Section 3 Removal of Members of Board of Trustees:**

Any of the members of board of trustees may be removed for cause by action of the board.

##### **Article 4 Section 4**

Any member of the board of trustees absent from three (3) consecutive meetings of the board shall be notified by the board of trustees, in writing, delivered personally or by certified mail, return receipt requested, to appear at the next meeting of the board of trustees and show cause as to why the officer or trustee should not be removed from

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office. After such hearing, such officer or trustee may be removed by the unanimous decision of the remainder of the board of trustees. Failure to appear at said meeting will result in automatic dismissal of such officer or trustee unless such hearing is adjourned by the board of trustees.

### **Article 4 Section 5 Resignation:**

A member of the board of trustees may resign at any time by giving written notice to the board, the president or the recording secretary of the association. Unless otherwise specified in the notice, the resignation shall take effect upon receipt thereof by the board or such officer, and the acceptance of the resignation shall not be necessary to make it effective.

### **Article 4 Section 6 Vacancies:**

In the event of a vacancy due to death, resignation or removal from the office of the president, the powers, duties, title and functions of the same shall devolve upon the vice president for the remainder of the unexpired term. In the event of a vacancy due to death, resignation or removal or succession as provided in this section, in any office of the association, other than the office of the president, the president may appoint, with the consent of the board of trustees, a successor to fill the unexpired term, unless a petition signed by 10% of the members of the association shall be presented to the secretary of the board of trustees demanding that such vacancy shall be filled at the next regular meeting or at a special meeting called for that purpose for the remainder of the unexpired term, within 30 days of the filling of such vacancy. Whenever the president fills any vacancy on the board of trustees by appointment as herein provided, the secretary shall cause to be mailed, by regular mail, or by e-mail or by text to each member at the address as it appears on the membership roll on the last record date or by posting on the association web-site or by providing each fire company notice of such appointment.

### **Article 4 Section 7 Quorum of Board:**

A majority of the entire board shall constitute a quorum for the transaction of business or of any specified item of business.

### **Article 4 Section 8 Action of the Board:**

Unless otherwise required by law, the vote of a majority of the board present at the time of the vote, if a quorum is present at such time, shall be the act of the board. Each officer or trustee present shall have one vote.

### **Article 4 Section 9 Place of Board Meetings:**

The board may hold its meetings at the office of the association or at such other places,

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either within or without the State of New York, as it may from time to time determine.

### **Article 4 Section 10 Regular Meetings:**

Regular meetings of the board of trustees shall be held on the Wednesday following the third Tuesday of the month unless cancelled or rescheduled by the board, except that if such day be a legal holiday then in that event the board of trustees shall fix a day not more than two weeks from the date fixed by theses by-laws.

### **Article 4 Section 11 Special Meetings:**

Special meetings of the board of trustees shall be called by the president, on his own initiative or upon request of nine (9) members of the board of trustees. Such request shall state the purpose or purposes of the proposed meeting. The secretary shall cause a notice of such meeting to be mailed, emailed, text or other electronic notification to each member of the board of trustees at their address, email address or cell phone as they appear in the membership roll book before the scheduled date of such meeting or shall notify each member (reasonable notice) by telephone or in person. Such notice shall state the date, time, place and purpose or purposes of the meeting and by whom called. No other business but that specified in the notice may be transacted at such special meetings without the unanimous consent of all present at such meeting.

### **Article 4 Section 12**

The president shall appoint three (3) members of the association to serve as the nominating committee at the March meeting of the board of trustees. All candidates shall submit to the nominating committee a signed, written letter of intent specifying the office sought and certifying as the qualifications of the candidate for the office pursuant to section 7 of article 5 postmarked by February 15 in order to appear on the written or printed ballot. Nominations shall not be made from the floor during the annual meeting. The nominating committee shall report its recommendations by April 1<sup>st</sup> of each year to the Board and also at the annual meeting of the association.

### **Article 4 Section 13**

Volunteer and exempt firefighter and members of their immediate families in need of assistance shall be investigated by members of the board of trustees. Such committee findings and recommendations shall be acted upon by a majority vote of the board of trustees present at a regular or special meeting of the board.

### **Article 4 Section 14 By-Laws Committee — reserved**

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## Article 5

### OFFICERS AND TRUSTEES

#### Article 5 Section 1 **President:**

The president shall be the chief executive officer of the association; he shall preside at all meetings of the members and of the board; he shall have the general management of the affairs of the association and shall see that all orders and resolutions of the board are carried into effect and shall appoint, with the consent of the board of trustees, the members of all committees not otherwise provided for in these by-laws. During the absence or disability of the treasurer, the president shall appoint another board member to act in place of the treasurer.

#### Article 5 Section 2 **Vice President:**

During the absence or disability of the president, the vice president shall have all the powers and functions of the president. The vice president shall perform such other duties as the board prescribes.

#### Article 5 Section 3 **Recording Secretary:**

The recording secretary shall keep the minutes of the board of trustees and also the minutes of the members. He shall have the custody of the seal of the association and shall affix and attest the same to documents when duly authorized by the board of trustees. He shall attend to the giving and serving of all notices of the association, and shall have charge of such books and papers as the board of trustees may direct; he shall attend to such correspondence as may be assigned to him, and perform all the duties incidental to his office. He shall keep a membership roll containing the names, alphabetically arranged, of all persons who are members of the association, showing their places of residence and the time when they became members. The recording secretary shall notify each new member of their election and shall furnish each with a copy of the association By-Laws.

#### Article 5 Section 4 **Financial Secretary:**

The financial secretary shall receive all fees, dues, fines, and other monies due to the association, keeping true, up to date records of same, and give to the treasurer at each meeting all monies belonging to the association. He shall verify that all claims or bills to be paid by the treasurer are approved and keep a true, up to date record of same. He shall report at all regular meetings, all members who are delinquent in dues or fines. He shall render an annual report during the May Annual Meeting, and any special report as may be directed by the Board of Trustees.

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### **Article 5 Section 5 Treasurer:**

The treasurer shall have the care and custody of all funds and securities of the association, and shall deposit said funds in the name of the association in such bank or trust company as the board may elect; he shall, when duly authorized by the board of trustees, sign and execute all contracts in the name of the association, when countersigned by the president; he shall also sign all checks, drafts, notes and orders or the payment of money, which shall be duly authorized by the board of trustees and shall be countersigned by another member of the board of trustees; he shall at all reasonable times exhibit his books and accounts to any member of the board or member of the association upon application at the office of the association during ordinary business hours. At the end of each corporate year, he shall have an audit of the accounts of the association made by an independent certified public accountant retained by the board of trustees, and shall present such audit in writing at the annual meeting of the members, at which time he shall also present an annual report setting forth in full the financial conditions of the association.

### **Article 5 Section 6 Trustees:**

It shall be the duty of the board of trustees to manage and control the affairs of the association, exercise its power to control and dispose of the funds and assets of the association; attend to its general business and interests; to verify information as to health, age and other qualifications of the application for membership; to investigate and determine the needs of members and their families requesting benefits; to obtain other information as so to vote in an intelligent, prudent manner as they may deem in the best interests of the association.

The board of trustees shall see that two (2) financial accounts are kept, one to consist of all New York State two-percent tax monies received or disbursed after January 1, 1976, which shall be known as "the two-percent tax account", the other account to be known as the "the general fund", and which will consist of all other financial accounts and assets belonging to the association. All monies to be disbursed from the two-percent account must be limited to those listed in our charter, or in the state law involved.

All monies to be disbursed from the general fund must be limited to those approved by the board of trustees, and not beyond the limits of our by-laws, or contrary to our charter or other laws.

The board of trustees may permit certain routine expenditures, such as refreshments, printing, and mailing to be paid on the approval of the president and another trustee. Such expenditures shall be reported at the next regular board of trustees meeting.

The board of trustees shall be empowered to expend an amount of money, not to exceed \$1,000.00 each annually, for the salaries of the president, vice-president, recording secretary, financial secretary, and treasurer. The compensation of each year



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is determined by the board of trustees each year.

The board of trustees may appoint any of their members to perform the duties of the vice president, recording secretary, financial secretary, or treasurer in case of their absence.

### **Article 5 Section 7 Qualifications for Office:**

No person shall be eligible for any office of the association unless and until he or she shall have been a member thereof in good standing for ten (10) consecutive years.

### **Article 5 Section 8 Sureties and Bonds:**

The board shall require, and at the expense of the association, any officer or agent of the association to execute to the association a bond in such sum with such surety or sureties as the board may direct, conditioned upon the faithful performance of his duties to the association and including responsibility for negligence and for the accounting for all property, funds or securities of the association which may come into his hands.

### **Article 5 Section 9**

Two offices shall not be held by the same person, at the same time.

### **Article 5 Section 10**

The president may appoint, with the consent of the board of trustees, the immediate past president a non-voting advisor to the board of trustees for a term not to exceed the term of office of the appointing president. The duties of the advisor shall be designated by the board of trustees. The advisor may be removed from office for cause or no cause by action of the board of trustees.

### **Article 5 Section 11**

Any officer, or trustee who is absent from three successive regular board of trustees meetings shall be notified to appear at the next meeting and show cause why they should not be removed from the board of trustees. At this meeting, it will require a two-thirds vote of the other trustees present to remove the summoned trustee. If removed, the remainder of this trustee's term will be filled pursuant to these Bylaws. The vacancy shall be replaced by another member of the removed trustee's company or exempts except that the removed trustee cannot be a candidate for this term.

### **Article 5 Section 12**

All financial accounts, records, and books of the association shall be audited at least once a year by an accountant hired by the association. A written report of the audit will be presented to the board of trustees at a special meeting.

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## Article 5 Section 13

All association financial accounts, depositories and other assets, shall require at least two of the authorized officers' signatures for payments, withdrawals, or access thereto.

## Article 6

### **DEFINITIONS**

For the purposes of construction of the charter and by-laws of this association, the terms "disabled", "indigent" and "family" shall mean:

Disabled - impaired, incapacity, or unable, as a result of illness, disease, disorder, other pathological condition or injury, to discharge any normal physical or mental function, and which significantly or substantially limits one or more major life activities, whether permanently or temporarily and whether totally or partially, and requiring therapeutic, corrective, rehabilitative or other prescribed treatment or the use of prescribed medication or device or devices.

A physical or physiological impairment includes, but is not limited to cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organs, respiratory ( including speech organs ), cardiovascular, reproductive, digestive, genito-urinary, immune, circulatory, hemic, lymphatic, skin or endocrine.

A mental impairment includes, but is not limited to mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness or learning disability.

Major life activities include, but are not limited to caring for oneself, performing manual tasks, seeing, hearing, eating sleeping, walking standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others and working.

Indigent - characterized as lacking the economic means of subsistence or the necessities of life.

Family - spouses, life partners, children, grandchildren, parents, siblings and members of the immediate family, namely, members of the household who are supported in excess of 50% by the said volunteer or exempt

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firefighter and are related by blood, adoption or marriage, provided in the event of death of a volunteer or exempt firefighter, any member of the immediate family, whether or not a member of the household or supported in excess of 50% by said volunteer or exempt firefighter and who assumes responsibility for funeral and/or burial of said volunteer or exempt firefighter and actually pays the cost and expense thereof.

### Article 7

#### **DISCIPLINARY PROCEDURE**

##### Article 7 Section 1 Paragraph 1 **Grounds:**

The grounds for disciplinary action against association members or employees under association by-laws shall be as follows:

- a) misconduct, including but not necessarily limited to, insubordination, e.g. disobedience or failure to obey a lawful order, substance abuse, any action or behavior which brings discredit to the volunteer fire service or association, etc.
- b) incompetence, including but not necessarily limited to, failure to supervise, covering up improper action~ not reporting incident, etc.

##### Article 7 Section 1 Paragraph 2

The Association or a president, vice-president, treasurer, secretary or a trustee may bring charges of misconduct or incompetence.

##### Article 7 Section 1 Paragraph 3 **Evidence**

Evidence of above grounds may include but not necessarily limited to the following:

- a) physical evidence or exhibits, including but not necessarily limited to letters, memoranda, reports, falsified records, other records, photographs or other things of value, etc.
- b) testimony and/or affidavits of witnesses
- c) any other evidence which has probative value in relation to any issue.

##### Article 7 Section 1 Paragraph 4 **Investigation of Incident**

A president, vice-president, treasurer, recording secretary, financial secretary or a trustee, may interrogate or question any members of the association concerning any matter pertaining to the discharge of the member's or employee's duties, responsibilities and actions. During such questioning the said member or employee shall have the right to counsel, a stenographic or taped record of such questions and answers maybe made, at the sole option of the president, vice-president, treasurer, secretary or a trustee, and the president, vice-president, treasurer, secretary or a trustee may require, at association expense, a physical medical or psychiatric examination of the member if

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reasonable basis for belief said member is unfit to perform his or her duties or may constitute a danger to himself or herself or others.

### **Article 7 Section 2 Paragraph 1 Limitations**

Disciplinary action shall not be based on alleged misconduct or incompetence or other action or behavior which occurred more than eighteen (18) months before commencement of such disciplinary proceedings, unless such incompetence or misconduct or other action or behavior would if proved in a court of competent jurisdiction constitute a crime. Such incompetence or misconduct or other actions or behaviors shall not constitute insubstantial or trivial acts or omissions or mere errors of judgment without bad faith or gross negligence or a succession of such errors.

### **Article 7 Section 3 Paragraph 1 Charges and Specifications:**

- a) Charges and specifications form the basis for the disciplinary hearing.
- b) Charges are a general accusation which need not identify any particular act emission.
- c) Specifications are numbered statements\_ setting forth in detail the specific act or omission which constitutes, in whole or in part, the misconduct, incompetence or other action or behavior.

### **Article 7 Section 3 Paragraph 2 Accompanying Letter:**

Accompanying the charges and specifications shall be a letter setting forth the following information:

- a) body before whom hearing shall be held
- b) date of hearing
- c) time of hearing
- d) location of hearing
- e) member right to counsel or representation
- f) brief statement of potential penalties after hearing
- g) notice of suspension pending hearing if applicable.

### **Article 7 Section 4 Paragraph 1 Answer:**

The answer is the written numbered statements in response to the charges and specifications. The answer shall be served on the association by the member or employee within fifteen (15) days of receipt of the charges and specifications or be deemed waived.

### **Article 7 Section 5 Paragraph 1**

- a) The president, vice-president, treasurer, recording secretary, financial secretary or a trustee, may suspend a member or employee-pending the hearing and determination for a period "not to exceed thirty (30) days after charges and specifications have been served on said member or employee; provided however, that if there is a reasonable basis for belief that said member or employee is disruptive of association

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activities, or a danger to himself or herself or others, said member or employee may be suspended immediately pending service; of charges and specifications which shall be served without delay, but in any event not later than three (3) days.

### **Article 7 Section 5 Paragraph 2**

Such suspension is not a penalty, but in the nature of a procedural action.

### **Article 7 Section 6 Paragraph 1**

Service of process shall be personally with proof of service (affidavit).

### **Article 7 Section 7 Paragraph 1 Resignation, Effect**

- a) A member or employee against whom disciplinary charges have been preferred may, at his or her option, resign from the association.
- b) In the event of resignation by the member or employee, the association may, at its sole option, accept such resignation and withdraw such charges or, in the alternative, may, at its sole option, reject such resignation and continue to prosecute the charges.
- c) The best interests of the association and the volunteer fire service, in the sole discretion of the association, shall govern whether to accept or reject a resignation.
- d) In the event of acceptance of a resignation by the association, and notwithstanding any provision to the contrary herein, such member or employee, may not apply or re-apply for membership or reinstatement of membership in the association, or otherwise as an employee of the association.

### **Article 7 Section 8 Paragraph 1 Hearing Authority**

A) The hearing on the charges and specifications shall be before a trial board, which shall be a standing committee designated by the association at its annual meeting to serve for a period of one (1) year consisting of the following association officers or members:

- i) five members and two alternates with a minimum of ten years good standing in the association.

(B) The chairman of the trial board shall be selected by the trial board. Said chairman shall preside over meetings of the trial board. An alternate chairman shall be selected by the trial board to serve in the event the chairman is unable to serve.

(C) The alternate members may attend hearings, ask questions to the extent of the other designated members, and attend trial board deliberations, but shall not be entitled to vote unless serving in the place of a designated representative.

(D) The president, vice-president, treasurer, recording secretary, financial secretary or

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a trustee, may not serve on the trial board in relation to charges of misconduct or incompetence against a member or employee in the event said officer is the charging officer.

### **Article 7 Section 8 Paragraph 2 Hearing Procedure:**

The hearing shall be conducted not less than ten (10) days and not more than thirty (30) days from the service of the charges and specifications and a stenographic record of the hearing shall be made at association expense, and the charged member or employee shall have right to counsel or representation and to subpoena documents and witnesses pursuant to Article 23 of the Civil Practice Law and Rules and to confront and question witnesses and to present evidence in his or her defense.

### **Article 7 Section 8 Paragraph 3**

The trial board shall, from time to time, adopt rules and regulations governing hearing procedure.

### **Article 7 Section 9 Paragraph 1**

The trial board or an attorney appearing before the trial board on behalf of a charged member or employee of the association may issue subpoenas pursuant to Article 23 of the Civil Practice Law and Rules.

### **Article 7 Section 9 Paragraph 2**

Subpoenas may be either subpoena ad testificandum or deuces tecum. A subpoena ad testificandum requires the attendance of witness only. A subpoena deuces tecum requires the production of a book, record or other physical evidence.

### **Article 7 Section 9 Paragraph 3**

Any person subpoenaed is entitled to a witness fee and travel expenses pursuant to Article 80 of Civil Practice Law and Rules.

### **Article 7 Section 10 Paragraph 1**

A charged member, or employee may represent himself or may be represented by counsel, at his or her cost and expense.

### **Article 7 Section 10 Paragraph 2 -**

Notices and communications to a member or employee represented by counsel shall be governed by Section 168 of the Executive Law.

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### Article 7 Section 11 Paragraph 1

Hearings on charges and specifications are mandatory except as provided in Section 7, Paragraph 1.

### Article 7 Section 11 Paragraph 2

Hearings shall be open to the public or closed to the public, at the option of the member or employee.

### Article 7 Section 11 Paragraph 3

Adjournments shall be granted at the request of the member or employee, attorney for the charged member or employee or the association or attorney for the association or the trial board, for reasonable cause; provided however, that in the event the member or employee or his or her attorney request an adjournment and the member or employee has been suspended pending hearing, then the member or employee shall stipulate to extend the suspension for a period of time equal to the length of the adjournment as a condition precedent.

### Article 7 Section 11 Paragraph 4

In the event the charged member or employee fails or refuses to appear at the hearing, said member or employee shall be tried in absentia.

### Article 7 Section 11 Paragraph 5

An accurate stenographic record shall be made of the hearing.

### Article 7 Section 11 Paragraph 6

A copy of the transcript shall be made available without cost to the member or employee upon request.

### Article 7 Section 11 Paragraph 7

A hearing on charges and specifications shall only be waived upon a written waiver of the charged member or employee, duly executed and acknowledged.

### Article 7 Section 12 Paragraph 1

The trial board shall submit its report and recommendations together with the record of the hearing to the board of trustees of the association not later than thirty (30) days after the conclusion of the hearing.

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### Article 7 Section 12 Paragraph 2

The trial board shall transmit its report and recommendations and record only to the board of trustees of the association.

### Article 7 Section 12 Paragraph 3

The board of trustees of the association shall review all the evidence and the report and recommendations of the trial board and render a written decision not later than thirty (30) days after receipt of the report and recommendations of the trial board together with a record of the hearing.

### Article 7 Section 12 Paragraph 4

The decision of the board of trustees of the association shall be based upon substantial evidence in the record.

### Article 7 Section 12 Paragraph 5

The sole and exclusive penalties imposed under the decision of the association shall be either:

- a) reprimand
- b) suspension from association, not exceeding one (1) year, or
- c) removal from association. Any member removed from the Association shall forfeit all right, title, interest, benefit and privilege in the association.

### Article 7 Section 13 Paragraph 1

The association shall serve the charged member or employee with a notice of determination not later than three (3) days after rendering a decision in accordance with Section 12, Paragraph 3.

### Article 7 Section 13 Paragraph 2

The notice of determination shall include whether the member or employee was acquitted of all charges and specifications or, in the alternative, found guilty of specific charges and specifications and the penalty imposed.

### Article 7 Section 14 Paragraph 1

Appeals from determinations of the board of trustees of the association shall be taken within four (4) months of the receipt of the notice of determination pursuant to Article 78 of the Civil Practice Law and Rules.



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## Article 8

### **EMERGENCY BYLAWS**

#### Article 8 Section 1. DEFINITION OF EMERGENCY:

An "emergency" is defined as any of the following events:

- a. A natural catastrophe, including, but not limited to, a hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, any fire, flood, or explosion.
- b. An attack on this state or nation by an enemy of the United States of America, or upon receipt by this state of a warning from the federal government indicating that an enemy attack is probable or imminent.
- c. An act of terrorism or other manmade disaster that results in extraordinary levels of casualties or damage or disruption severely affecting the infrastructure, environment, economy, government functions, or population, including, but not limited to, mass evacuations.
- d. A state of emergency proclaimed by a governor or by the President.

#### Article 8 Section 2. WHEN OPERATIVE

Notwithstanding any different provision in the preceding Articles of the bylaws, the emergency bylaws provided in this Article 8 shall be operative during any emergency as defined in Section 1 of this Article, and affects the operations of the association, as declared by the Board of Trustees of the Association

#### Article 8 Section 3. BOARD MEETINGS

During any such emergency, a meeting of the Board may be called by any director/trustee. The meeting shall be held at such time and place, within or without Nassau County, New York, specified by the person calling the meeting and in the notice of the meeting which shall be given to such of the directors/trustees as it may be feasible to reach at the time and by such means as may be feasible at the time, including publication, radio, tv, e-mail, telephone communication or regular mail. Such advance notice shall be given as, in the sole judgment of the person calling the meeting, circumstances reasonably permit. Five members of the board of trustees shall constitute a quorum for the transaction of business.

#### Article 8 Section 4. VACANCIES OF THE BOARD

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During any such emergency, if a vacancy occurs in a board position as defined in Article 5 of these bylaws, said position can be temporarily filled for the duration of the emergency by the Board of Trustees at a Board Meeting held pursuant to Section 3 of this Article.

### **Article 8 Section 5. AMENDMENTS TO EMERGENCY BYLAWS**

These emergency bylaws may be amended, either before pursuant to Article of the Bylaws or during any emergency, to make any further or different provision that may be practical and necessary for the circumstances of the emergency. Any amendments made during an emergency need not be voted on by the membership until after the emergency is ended.

### **Article 8 Section 6. MEMBERSHIP MEETINGS**

During any emergency, the board (or, if a quorum cannot readily be convened, a majority of directors/trustees present) may, with respect to a membership meeting, take any action that it determines to be practical and necessary to address the emergency notwithstanding anything to the contrary in the bylaws, including to postpone any such meeting or to conduct said meeting via a different method, including virtually.

### **Article 8 Section 7. LIABILITY**

No Director, Trustee or employee acting in accordance with any emergency bylaws shall be personally liable except for willful misconduct.

### **Article 8 Section 8. END OF EMERGENCY**

After the conclusion of the emergency, at the next regularly scheduled general membership meeting, the Board of Trustees shall report the actions that were taken during the emergency to the membership. Any elections postponed due to the emergency shall be scheduled pursuant to the bylaws at this meeting. Any position(s) that were temporarily filled pursuant to the emergency bylaws shall be filled pursuant to the bylaws as if the vacancy of the position was announced as of the date of this first general membership meeting after the emergency has ended, as declared by the Board of Trustees of the Association.

## **ARTICLE 9**

### **CONSTRUCTION**

These bylaws shall not be waived or suspended unless in case of emergency. If there be any conflict between the provisions of the New York State Charter and these bylaws, the provisions of New York State Charter shall govern.

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## **ARTICLE 10**

### **AMENDMENTS**

#### **Article 10, Section 1**

These bylaws may be adopted, amended or repealed upon a two-thirds vote of the membership present at a regular or special meeting called for that purpose, provided a quorum is present at the time of such vote.

#### **Article 10, Section 2**

Notice of a proposed bylaw or adoption, amendment or repeal, shall be mailed or transmitted by regular mail or by email or by text to each member at the address or telephone number respectively as it appears on the membership roll on the last record date, or by posting same on the association web site or by providing same to each fire company at least 5 days prior to the meeting at which said matter is to be voted upon.

## **ARTICLE 11**

The meetings of this association shall be governed by the rules set forth in Roberts Rules of Order, except in the event of a conflict between said Roberts Rules of Order and these by-laws, in which case these by-laws shall govern.

## **ARTICLE 12**

### **Gender And Singular/Plural**

As used in these by-laws, unless the context otherwise requires, masculine pronouns shall be deemed to include the feminine and neuter and neuter pronouns shall be deemed to include the masculine and the feminine. As used in these by-laws, defined terms and pronouns used in the singular shall be deemed to include the plural and defined terms and pronouns used in the plural shall be deemed to include the singular, as the context requires.