



**ARTICLES AND BY-LAWS  
OF THE  
HIGHGATE VOLUNTEER FIRE DEPARTMENT**

**2020**

**Articles and By-Laws  
Of The  
Highgate Volunteer Fire Department**

**Article I: Name**

The Name of this Fire Department Shall be The Highgate Volunteer Fire Department. Its mission is to provide optimum protection and prevention for Town of Highgate residents and visitors, with the highest level of valor, integrity, commitment, teamwork and community involvement.

**Article II: Staffing Requirements**

The minimum number of active members shall be twenty-four (24). All members must complete basic fire service training (pursuant to 20 V.S.A SS 3153 and the Vermont Fire Service Training Council Rules and Policies) so as to be able to assist where needed in any fire situation.

**Article III: Membership**

The Fire Department, is arranged to provide effective assignment of personnel for administrative duties, staff duties, station duties, training and firefighting. It provides for the operation of a chain of command, both for administration and at the scene of an emergency situation or a fire. It suggests basic response patterns and fire ground procedures to allow the fire company to perform efficiently its assigned mission of preventing and extinguishing fires.

**Membership to include:**

**Fire Chief:** Elected about November First, One (1) year prior to the election of the Assistant Chief / for a term of three (3) years. This is a line officer position.

**Assistant Chief:** Elected about November First, One (1) year following the election of the Chief / for a term of three (3) years. This is a line officer position.

**Captain:** Elected about November First, One (1) year following the election of the Assistant Chief / for a term of 3 years. This is a line officer position.

**1<sup>st</sup> Lieutenant:** Elected about November First, One (1) year prior to the election of the 2<sup>nd</sup> Lieutenant / for a term of two (2) years. This is a line officer position.

**2<sup>nd</sup> Lieutenant:** Elected about November First, One (1) year following the Election of the 1<sup>st</sup> Lieutenant / for a term of two (2) years. This is a line officer position.

**Volunteer Firefighter:** Greater Highgate area residents to be given first preference. Regular members of the fire department must be at least eighteen (18) years of age

**Cadet:** Greater Highgate area residents to be given first preference. Cadet members of the fire department must be at least fourteen (14) years of age

**Fire Support Team:** Membership is available to anyone in the Highgate community holding a desire to be an active participant towards our goal of supporting the Highgate Volunteer Fire Department.

#### **Article IV: Quorum**

At least fifty percent (50%) of all current voting members in good standing are needed to constitute a quorum. Simple majority vote will rule.

#### **Article V: Elections**

##### **Election of Line Officers:**

The election for officers will be held on the first Monday in the month of November. The election will be conducted pursuant to Robert's Rules of Order. A member must be in good standing to be eligible to vote\* (see below for good standing definition) no member under suspension or probation will be allowed to vote. Cadets and Fire Support Team members are not eligible to vote. Any vote, non-withstanding, all officers are considered recommendations, subject to final approval by the Town of Highgate Selectboard.

**Good Standing:** To be considered in good standing, members must not miss more than three (3) consecutive Monday Night sessions and three (3) consecutive department events (example: Santa Day, Memorial Day, Fire Prevention Outreach, Field Days), unless excused by the Chief.

To be eligible for nomination of a senior officer (Chief, Assistant Chief and Captain) a member must have completed one (1) full term of two (2) years as either a 1<sup>st</sup> or 2<sup>nd</sup> Lieutenant and be in good standing with the Fire Department.

To be eligible for nomination of either a 1<sup>st</sup> or 2<sup>nd</sup> Lieutenant, a member must have a minimum of three (3) years of fire service with the Highgate Volunteer Fire Department and be in good standing with the Fire Department.

The elective offices to be filled are Chief, Assistant Chief, Captain, 1<sup>st</sup> Lieutenant and 2<sup>nd</sup> Lieutenant.

In the event that a line officer is elected to a position while currently holding another line officer position:

1. Once the officer accepts the newest commission;
2. A special election is held at the next available opportunity to elect an "interim" officer to fill the vacated position;
3. The "Interim" position will be held by this officer until the normal election for this position.

When the elections are completed, the Selectboard shall be notified of the recommendations, which will be presented to them, by the current ranking officer.

**\*\*\*\* The Selectboard retains the right to APPOINT the Fire Chief. The Selectboard may appoint anyone who has met the minimum qualifications of becoming a volunteer firefighter. \*\*\*\***

The Selectboard shall, by majority vote move to confirm or deny the recommendations given to them by the fire department. Upon approval by the Selectboard, the elected officers will serve their term. Any officer recommended by the fire department who is not confirmed by the Selectboard, will cause a new election to fill that position on the First Monday in the month of December. The new recommended officer shall then be sent to the Selectboard for confirmation as set forth herein. The term of all officers will take effect on January 1<sup>st</sup>, following the election.

#### Article VI: Officer Duties

##### **Section A: Duties of the Chief:**

1. The Selectboard may remove the Chief at any time, for any reason.
2. The Chief is the general manager of the fire department responsible to the Selectboard
3. The Chief shall make appropriate recommendations, consistent with the applicable State laws and rules, regarding desirable fire protection and fire prevention measures to members and the Selectboard
4. The Chief shall be responsible for all fire department property including fire station, apparatus and equipment
5. The Chief shall furnish all members with copies of the fire department rules and any general written orders that may be issued regarding the operation of the department
6. The Chief shall be responsible for assignment of all personnel to their duties. The Chief shall see that these duties are properly performed
7. The Chief shall designate a training officer and other officers as may be required. The Chief may assign a member as department Clerk for the purpose of recording and maintaining department records.
8. The Chief shall see that order and discipline is maintained
9. The Chief shall be responsible for preparing the annual budget and for the proper expenditures of any fund as prescribed in the fiscal policy of the Town.
10. The Chief shall maintain a personnel roster of all members providing essential information including age, address, date of appointment, assignments, injuries, training and fire attendance records
11. The Chief shall be responsible for all firefighting and emergency operations backed-up by the Assistant Chief, Captain, 1<sup>st</sup> Lieutenant and 2<sup>nd</sup> Lieutenant.

When available, the Chief shall respond to all alarms for structural fires and to other serious emergencies within the town

12. The Chief shall be familiar with the National Fire Protection Association (N.F.P.A.) and National Incident Management System (NIMS ) standards and enforce Vermont Occupational Safety and Health Administration (V.O.S.H.A.) rules and regulations.
13. The Chief shall attend all Franklin County Fire Association Meetings. If the Chief is unable to attend for any reason, the Assistant Chief or Captain may attend in place of the Chief.

#### **Section B: Duties of the Assistant Chief:**

1. The Assistant Chief shall assist the Chief and act as the senior officer in the absence of the Chief.
2. The Assistant Chief shall supervise the training officer in a year round training program for all members of the department.
3. The Assistant Chief shall be responsible for pre-fire planning of all principal buildings in the Town and for general operations in residential districts.
4. The Assistant Chief shall serve as fire equipment officer and shall see that apparatus and equipment are arranged and maintained to permit efficient fire ground operation.
5. The Assistant Chief shall see that the regular and reserve drivers are adequately trained in the operation of pumps and equipment and are well versed in the fundamentals of fire service hydraulics.
6. The Assistant Chief shall prepare operational reports on all fires indicating the manpower and equipment used, the extent and nature of the fire, the fire fighting tactics employed and the lessons learned, such report are to be furnished to the Chief each month and shall also be used in appropriate training sessions.
7. The Assistant Chief shall maintain a water map showing the flows available from all hydrants.

#### **Section C: Duties of the Captain:**

1. The Captain shall assist the Chief or Assistant Chief and be the senior officer in the absence of the Chief and Assistant Chief
2. The Captain shall assist the Training Officer in the training program.

#### **Section D: Duties of the Lieutenants:**

##### **1<sup>st</sup> Lieutenant:**

1. The 1<sup>st</sup> Lieutenant will serve as a squad leader
2. The 1<sup>st</sup> Lieutenant shall assist the Chief, Assistant Chief or Captain and be the senior officer in the absence of the Chief, Assistant Chief and Captain
3. The 1<sup>st</sup> Lieutenant shall assist the Training Officer in the training program

**2<sup>nd</sup> Lieutenant:**

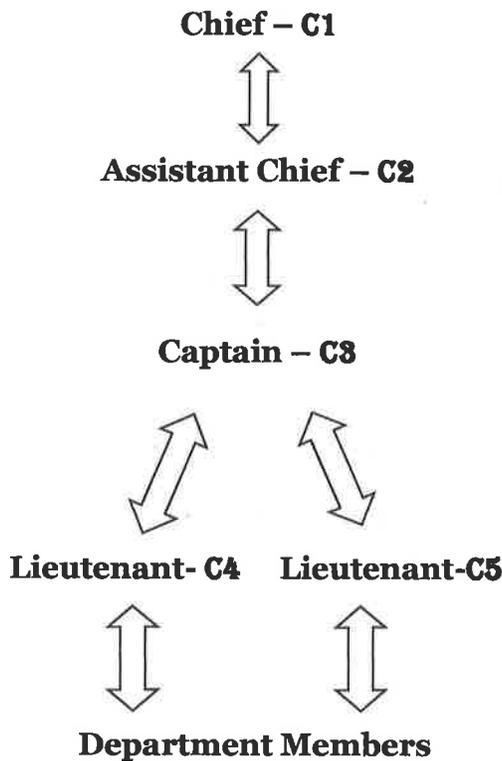
1. The 2<sup>nd</sup> Lieutenant will serve as a squad leader.
2. The 2<sup>nd</sup> Lieutenant shall assist the Chief, Assistant Chief or Captain and be the senior officer in the absence of the Chief, Assistant Chief and Captain.
3. The 2<sup>nd</sup> Lieutenant shall assist the Training Officer in the training program.

**Section E: Training Officer:**

Training Officer shall be responsible for training sessions throughout the year. All training sessions shall meet the minimum requirements as set forth by applicable Vermont statutes and rules.

The Training Officer will be appointed by the Fire Chief.

**Section F: Chain of Command:**



**Article VII: Duties of Members**

**Section A: Volunteer Members:**

1. All Volunteer Members shall be appointed and assigned to duty by the Chief. No volunteer shall be considered a Member of the department without having first completed the prescribed basic training as set forth pursuant to

- 20 V.S.A ss 3153 and The Vermont Fire Service Training Council Rules and Policies as documented by the Training Officer.
2. Volunteer Members shall work under the general direction of the officer in charge of any call and remain on scene and return to the fire station, unless dismissed by the Chief or Officer in charge.
  3. Any volunteer member who is not going to be available for the fire duty must notify their Lieutenant, stating the time they expect to be absent, so that arrangements may be made for proper staffing.
  4. Volunteer members shall be held responsible for any fire department equipment furnished for their use and shall return such equipment when formally resigning from the department or dismissed for any reason from the department.
  5. Any member missing three (3) consecutive Monday night sessions and three (3) consecutive department events is reason for dismissal, unless excused by the Chief
  6. A leave of absence form may be granted by the Chief for illness, school or death of immediate family member or other reasons deemed appropriate.
  7. Volunteer Members will be subject to a criminal background and driver's records check and must possess a valid Vermont Driver's License.
  8. Volunteer Members must obtain and retain current First Aid, Youth and Adult CPR/AED certifications.
  9. Volunteer Members who wish to be "Interior" firefighters must obtain and retain Firefighter Level 1 certification or VT State equivalent.
  10. Physical examination and/or drug screening may be required for new members, at the Town of Highgate's expense.
  11. All Volunteer Members shall be legal residents of the United States.

**Section B: Cadets:**

1. Any person wishing to appoint as a Cadet, who is between the ages of fourteen (14) and eighteen (18) years of age shall first obtain written permission from a parent or guardian.
2. At ages fourteen (14) and fifteen (15), Cadets are able to attend trainings, participate in fire prevention & safety, help out with fundraisers, and attend Monday night sessions, however they are not allowed to enter a burning building or respond to calls.
3. At ages sixteen (16) & seventeen (17), Cadets are able to respond to calls, participate in fire prevention & safety, attend trainings, help out with fundraisers, and attend Monday night sessions, however they are not allowed to enter a burning building.
4. Cadets must be sponsored by a Volunteer Firefighter or line officer who is in good standing.
5. Cadets may only be at the station when accompanied by their sponsor.
6. There shall be no more than five (5) cadets at any given time.
7. Cadets possess no voting rights.

### **Section C: Fire Support Team Member:**

1. The mission of the Highgate Volunteer Fire Department Fire Support Team is to support the firefighters of the Highgate Volunteer Fire Department in their pursuit of life, safety, incident stabilization and environmental and property preservation of the citizens they serve and their respective memberships. The members of the Highgate Volunteer Fire Department Fire Support Team (FAST) will pursue their mission through activities supporting the fiscal, public service and response support of the Highgate Volunteer Fire Department.
2. Membership is available to anyone in the Highgate community holding a desire to be an active participant towards our goal of supporting the Highgate Volunteer Fire Department.
3. Fire Support Team Members possess no voting rights.

### **Article VIII: Disciplinary and Grievances:**

#### **Section A: Cause for Discipline:**

If any member has violated any of the following, he or she will be subject to disciplinary action:

1. Been on convicted of a felony or a misdemeanor involving violence or fraud.
2. Knowingly or willfully violates the laws of the United States, the State of Vermont, the ordinances of any city, country, or municipality of the State, or any Town of Highgate rule or regulation.
3. Uses obscene or abusive language or behaves in an obscene or offensive manner to Town of Highgate officers or fellow members or members of the public.
4. Is under the influence of controlled substances or alcohol, uses or possesses alcohol or controlled substances while acting as a member of the department or while wearing department apparel or is considered by the Chief to be in an unsafe condition for duty.
5. Failure to observe safety rules and regulations on and off the fire ground.
6. Refuses or fails to follow the orders of any line officer.
7. Gambles while on duty.
8. Falsifies department records.
9. Misappropriates or willfully damages municipal property.
10. Engages in unprofessional conduct while on duty.
11. Fights while on duty.
12. Leaves emergency scene without permission of the line officer in charge.
13. Engages in any form of harassment.
14. Violates the Town smoking policy.
15. Violates the Town drug policy.
16. Engages in any activity which adversely affects the confidentiality, integrity or positive image of the department, including but not limited to social media posts.

This list is given by way of example only and is not exhaustive. Other conduct, behavior and performance problems, deemed unbecoming of a member may be the subject of disciplinary action.

**Section B: Chain of Command Reporting:**

All reports of potential incidents potentially requiring disciplinary action must be reported following the chain of command as set forth in Article VI, Section F.

**Section C: Disciplinary Procedure:**

The Chief shall follow the disciplinary course of action, as set forth below, for any fire department member who does not perform their duties properly or abide by the rule and regulations of the Highgate Volunteer Fire Department.

Disciplinary Course of Action:

1. Verbal Warning
2. Written Warning
3. Suspension
4. Dismissal

Severe violations may result in disciplinary action up to immediate dismissal.

All causes for discipline of the Chief shall be brought to the Fire Service Commissioner by the Assistant Chief. If deemed necessary, issues will be brought to the Selectboard by the Assistant Chief and Fire Service Commissioner.

The Chief may be dismissed by the Selectboard at any time, for any reason.

**Section C: Grievance Procedure:**

The Town of Highgate shall provide the opportunity for any member of the Highgate Volunteer Fire Department to discuss grievances concerning their individual personal disciplinary action with the Fire Service Commissioner.

All unresolved grievances will be brought to the Selectboard by the Fire Service Commissioner and the department member involved.

The Selectboard shall render a decision on the grievance at the meeting in which it is presented. The Selectboard may postpone a decision to the next regularly scheduled meeting if any additional information is needed.

**Article IX: Annual Stipend:**

The Town will pay an annual stipend the last pay period in the month of December following a successful town budget vote.

The following salaries will be given to the volunteers and officers, with one (1) to five (5) years of service, if they attend at least:

1. 30% of all emergency calls
2. 75% of all Monday night sessions and or department events & fundraisers
3. 50% of all trainings.

Volunteers and officers with five (5) plus years of service, if they attend at least:

1. 15% of all emergency calls
2. 50% of all Monday night sessions and or department events & fundraisers
3. 25% of all trainings.

Chief - \$2,000

Assistant Chief - \$1,500

Captain - \$1,250

1<sup>st</sup> Lieutenant - \$1,000

2<sup>nd</sup> Lieutenant - \$1,000

"Interior" Firefighter - \$750

Firefighter - \$500

#### **Article X: General**

These By-Laws may only be changed by a meeting between the Chief and the Town of Highgate Selectboard.

The Highgate Volunteer Fire Department does not discriminate based on race, color, gender, religion, national origin, age, or non-disqualifying handicap.

#### **Article XI: Force and Effect**

These By-Laws shall have full force and effect from and after their approval by the Selectboard and Fire Chief.

All By-Laws and amendments to the By-Laws previously in effect shall be withdrawn and considered void from the date of the above-mentioned approval.

**Adopted by the Town of Highgate**

**Vice Selectboard Chair Signature**

*Bruce Butler*

**Date Signed**

*9/3/2020*

**Fire Chief Signature**

*Joseph A. DeSanto*

**Date Signed**

*Aug 31, 2020*

**Highgate Volunteer Fire Department  
By-Laws Certificate of Receipt**

I \_\_\_\_\_ hereby acknowledge that I have received and reviewed a complete copy of the Highgate Volunteer Fire Department By-Laws and agree to abide by them in their entirety.

Print Name: \_\_\_\_\_

Sign Name: \_\_\_\_\_

Date: \_\_\_\_\_

**To be completed by a Highgate Volunteer Fire Department Officer Only**

I hereby acknowledge that the above listed member of the Highgate Volunteer Fire Department has received and reviewed a complete copy of the Highgate Volunteer Fire Department By-Laws and agrees to abide by them in their entirety.

Officer's Name: \_\_\_\_\_

Officer's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Filed in HVFD Personnel Record on: \_\_\_\_\_

Clerk's Signature: \_\_\_\_\_