



February 2, 2006

A. Solomon Menter  
1910-1978

Peter L. Hubbard

J. Scott Finlay

Antonio E. Caruso

Jeffrey A. Dove

F. Paul Vellano, Jr.

Mitchell J. Katz

Kevin M. Newman

Addison F. Vars III

Marcy Robinson Dembs\*

James H. McGowan

Thomas J. Fucillo

Robert F. Silkey

Vic J. Kopnitsky, Jr.

Joseph W. Russell

Julian B. Modesti

Steven B. Alderman

Donald P. Colella

Frances A. Grimaldi

Dawn Simmons Norris

Robert G. Bennett

Susan Basile Janowski

Josephine Yang-Paty

James C. Thoman

Of Counsel:  
John D. Simpson\*

\*also admitted  
in Ontario, Canada

\*also admitted  
in Florida

Chief Paul Smith  
Bridgeport Fire Company  
7900 Oneida Trail  
Bridgeport, New York 13030

Chief Michael Sudol  
Chittenango Fire Department  
P.O. Box 356  
417 East Genesee Street  
Chittenango, New York 13037

Chief Dennis Simmons  
North Chittenango Fire Company  
641 Manor Drive  
Chittenango, New York 13037

Re: Town of Sullivan / By-Laws

Dear Chiefs:

I am enclosing the By-Laws governing the Town of Sullivan Fire District as amended and adopted at the Town Board meeting held on February 1, 2006. If you would look to the last page of the By-Laws you will see the By-Laws as amended are effective immediately.

Please make sure your membership is familiar with the content of these By-Laws as provided at paragraph 29. Should you care to discuss this or any other matter, please call me

Very truly yours,

**MENTER, RUDIN & TRIVELPIECE, P.C.**

Donald P. Colella  
dcoella@menterlaw.com

DPC/dl  
Enclosures

cc: Town Board Members, Town of Sullivan (w/Enclosures)

Suite 500 • 500 South Salina Street • Syracuse, New York 13202-3300  
Phone (315) 474-7541 • Fax (315) 474-4040

Suite 500 • 120 Washington Street • Watertown, New York 13601-3330  
Phone (315) 786-7950 • Fax (315) 786-7852

**COPY**

**BY-LAWS GOVERNING THE TOWN OF SULLIVAN FIRE DISTRICT  
BY ORDER OF THE BOARD OF FIRE COMMISSIONERS  
TOWN OF SULLIVAN FIRE DISTRICT**

1. The Chittenango Volunteer Fire Company is to be known as Company #1 - Area 1, The Bridgeport Volunteer Fire Company is to be known as Company #2 - Area 2, The North Chittenango Volunteer Fire Company is to be known as Company #3 - Area 3.

2. The above mentioned Companies shall constitute the FIRE COMPANIES of the TOWN OF SULLIVAN FIRE DISTRICT and no other Company shall exist in said District without proper authorization from the Board of Fire Commissioners of the Town of Sullivan.

3. No Company shall be permitted to extend current facilities to another location within the District or a Fire Protection District without prior approval from the Board of Fire Commissioners.

4. All elections for LINE AND ADMINISTRATIVE OFFICES within the Companies will be held on the THURSDAY FOLLOWING THE SECOND TUESDAY IN DECEMBER OF EACH YEAR.

5. Membership roster, driver lists and the results of Annual Elections to be submitted to the Board of Fire Commissioners not later than JANUARY 15TH OF EACH YEAR.

6. Proposed Fire Budgets from all Companies to be prepared and submitted to the Board of Fire Commissioners not later than AUGUST 15th OF EACH YEAR.

7. Annual inventory of all properties purchased through Town Budget to be submitted to the Board of Fire Commissioners not later than JANUARY 15TH OF EACH YEAR.

8. Annual report of ALL FIRE AND RESCUE ALARMS to be submitted to the Board of Fire Commissioners not later than JANUARY 15TH OF EACH YEAR.

9. (a) Any person elected to membership as a Volunteer member of any Company shall be a resident of the TOWN OF SULLIVAN FIRE DISTRICT OR OF TERRITORY OUTSIDE SAID DISTRICT WHICH IS AFFORDED FIRE PROTECTION BY ANY COMPANY OF THE DISTRICT PURSUANT TO A CONTRACT FOR FIRE PROTECTION, EXCEPT AS HEREINAFTER PROVIDED,

(b) A person who cannot meet said residence requirements may be elected to membership as a volunteer member of any Company if by reason of his residence in the vicinity or HIS USUAL OCCUPATION, he will be available to render active service as a volunteer fireman in the Town of Sullivan District or in territory which is afforded fire protection by any Fire Company of the District pursuant to a contract for fire protection, except as hereinafter provided.

(c) The provisions of the preceding subparagraph (b) shall not be deemed to authorize the election of any person as a member of a Fire Company if, by so doing, the percentage of such nonresident members in the Fire Company would exceed 45 percentum of the actual membership of the Fire Company.

(d) The provisions of the preceding subparagraphs (a) and (b) shall not be deemed to authorize the election of any person as a member of a Fire Company, if such election shall be contrary to the BY-LAWS, RULES, OR REGULATIONS OF THE FIRE COMPANY.

10. No person is eligible to belong to more than one (1) Fire Company at one time.
11. Any repairs of Town owned equipment exceeding \$3,000.00 must have prior written approval from the Board of Fire Commissioners.
12. No one but qualified and designated drivers are to be allowed to operate fire vehicles. The current list of drivers to be kept by each Chief and certified to the Board of Fire Commissioners.
13. Sirens and other alarm signals are to be used during EMERGENCIES ONLY, ALL DRIVERS ARE TO OBEY TRAFFIC REGULATIONS AS PRESCRIBED BY NEW YORK STATE VEHICLE AND TRAFFIC LAWS.
14. All Companies shall hold regularly scheduled practices and tests as designated by the Chief. All members shall receive the required eight (8) hour OSHA safety training each year as required by OSHA Regulation 1910.156.
15. All Companies are responsible for Fire Protection in their own respective area, as designated by Town map and in all parts of the Fire District when called upon to do so.
16. No Company or individual is to use Town owned or Town insured Fire equipment for any purpose other than Fire Protection or its related duties.
17. No person except Fire Fighters shall ride upon Fire Equipment while answering an alarm.
18. All Companies are to notify the Secretary of the Fire District (Town Clerk) immediately of any change in Membership, Line Officers or Drivers.
19. No more than one (1) piece of Town owned Fire apparatus shall be absent from any one (1) area of the Fire District at any one time to attend parades, field days or other functions. The Chief or Office in charge to schedule those absences.
20. No person shall be admitted to Membership of any of the Companies without first having passed an appropriate physical examination performed by a duly licensed physician within ninety (90) days of the submission of the applicant's application for membership to the Board of Fire Commissioners and proof in writing, on an official form as prescribed by the Board of Fire Commissioners, from such physician that applicant is physically able to perform all the duties of a volunteer fire fighter.
21. Should a volunteer fire fighter sustain a serious injury or suffer a serious illness, be on workers' compensation or disability, or become pregnant, such person shall not be permitted to continue or resume fire fighter's duties in any of the Companies without first having passed an appropriate physical examination performed by a duly licensed physician and having submitted to the Chief of the appropriate Fire Company proof in writing, on an official form as prescribed by the Board of Fire Commissioners, from such physician that such personal is

physically able to perform all of the duties of a volunteer fire fighter and a copy of official form to be filed with the Sullivan Fire District Secretary.

22. All companies are to meet minimum requirements for Class "C" and "B" Fire Rates as prescribed by the NEW YORK STATE FIRE INSURANCE RATING ORGANIZATION.

- (1) Minimum of four (4) fire fighters answering an alarm at any given time.
- (2) At least 100 feet of 2 ½" hose, safe and in workable condition.
- (3) Pumping equipment rated at least 500 gallons per minute.
- (4) Adequate housing for all equipment, and
- (5) Siren or alarm in good working order.

23. Fire Companies shall mark all equipment with SUL-1, SUL-2, SUL-3 as each Company shall be numbered, by use of a stencil on all boots and coats, and a distinguishing mark as decided by Chiefs on all hose.

24. Duties of the Chiefs of Fire Companies shall be those as prescribed in Sec. 176-a of the Town Law, the following being the Section in full, to wit:

"The Chief shall, under the direction of the Board of Fire Commissioners have exclusive control of the members of the Fire Department of the Fire District at all fires, inspections, reviews AND OTHER OCCASIONS when the fire Department is on duty or parade; he shall also have supervision of the engines, fire trucks, pumpers, hose wagons and other apparatus and of the equipment and other property used for the prevention or extinguishment of fire and of all officers and employees of the fire department. He shall see that the rules and regulations of the Board of Fire Commissioners are observed and that the orders of the Board of Fire Commissioners are duly executed. He shall whenever required by the Board of Fire Commissioners, report to said Board the conditions of the property of said fire district and such other information as may be required of him. He shall hold the Members, Officers and Employees of the fire department strictly to account for neglect of duty and may suspend them for improper conduct, subject to the action of the Board of Fire Commissioners at its next meeting. In case of the disability or absence of the Chief, the First Assistant Chief and in case of the disability or absence of both the Chief and the First Assistant Chief, the other assistants in numerical order, shall perform the duties and exercise the powers of the Chief. When the fire department or any company or squad thereof is on duty no member of the Board of Fire Commissioners shall interfere with the duties of the Chief or Assistant Chief."

25. All supplies and equipment will be purchased by the Board of Fire Commissioners and Companies must make requisition to the Board through the Office of the Town Clerk acting as Secretary of the Fire District (emergency requisitions to the Clerk may be made by telephone). The only exception to the foregoing is the purchase of gasoline and motor oil, purchase of which shall be made directly by the Companies themselves.

26. The word "FIRE FIGHTER" as used in above BY-LAWS shall mean only MEMBERS of the three (3) Companies described in abovementioned regulation, or MEMBERS of other regularly constituted Companies who may answer call for aid from other regular fire districts.

27. Only ACTIVE MEMBERS will be recognized for Insurance purposes.

28. (a) The membership of a volunteer member of a Fire Company shall terminate when he ceases to be a resident of the Town of Sullivan Fire District or of any territory outside said District which is afforded fire protection by any Company of the District pursuant to a contract for Fire Protection, except as hereinafter provided.

(b) Any Fire Company may authorize the continued membership of any volunteer member who ceases to be a resident of the Town of Sullivan Fire District or of any territory outside said District which is afforded protection by any Company of the District pursuant to a contract for fire protection, where such member notifies the Secretary of his Fire Company (i) that he plans to change his residence to a territory which is not in the Fire District and is not protected by any Fire Company thereof. pursuant to a contract for fire protection, and (ii) that by reason of his residence in the vicinity or his usual occupation, he will be available to render active service as a volunteer fireman in said District or in territory outside said District which is afforded fire protection by any Company of the District pursuant to a contract for fire protection, except as hereinafter provided.

(c) The provisions of the preceding subparagraph (b) shall not be deemed to authorize the continuance of membership in a Fire Company if, by so doing, the percentage of such nonresident members in the Fire Company would exceed 45 percentum of the actual membership of the Fire Company.

(d) The provisions of the preceding subparagraphs (a) and (b) shall not be deemed to authorize the continuance of membership of a volunteer member in a Fire Company, if such continuance of membership shall be contrary to the BY-LAWS, RULES, or REGULATIONS of the Fire Company.

29. These BY-LAWS shall be read by the Secretary of the respective Fire Companies at LEAST ONCE EVERY FOUR (4) MONTHS at a regular meeting of each Company.

30. All Fire Company BY-LAWS, Rules, and Regulations must be in substantial conformity with the within BY-LAWS of the Fire Commissioners of the Town of Sullivan Fire District, excepting where and in those instances prohibited by the laws of the State of New York. Any Fire Company By-Laws, Rules, or Regulations not in substantial conformity with the within By-Laws of the Fire Commissioners are prohibited, and if adopted by any Company are and shall be void and of no force and effect.

31. The initial training for members shall meet the current New York State requirements that are set forth by the Office of Fire Prevention and Control (OFPC).

32. The Fire Companies of the Sullivan Fire District respond to a variety of emergency and non-emergency incidents with the Fire District and contract areas (portions of the Town of Fenner and Town of Cicero). Incident types and services include, but are not limited, to the following:

**Fires:**

- Structure fires include: occupied and vacant structures, residential and commercial structures, storage buildings, etc.

- Vehicle fires include: a vast variety of motorized vehicles, such as automobiles, commercial vehicles, construction and farm vehicles, airplanes, trains, etc.
- Wild land fires, including grasses, woodlots, standing and downed forests.

**Rescues:**

- Automobile victim extrication
- Motor vehicle accidents
- Confined space rescue
- Collapse rescue
- Ice and cold water rescue
- Swift water rescue
- High-angle (rope) rescue
- Underwater dive rescue and recovery
- Search & Rescue (lost persons)

**Emergency Medical Services:**

- Basic life support techniques
- Use of AED's (automatic external defibrillator)
- Performing CPR (cardio pulmonary resuscitation)
- Assisting with the management of cardiac and pulmonary arrests, anaphylactic shock
- Emergency child birth
- Up to the level of training established by the New York State Department of health and Central New York Hospital Association

**Service Calls: (Both Emergency and Non-Emergency), including:**

- Carbon monoxide alarm activations
- Fire alarm systems activation, both automatic and manual
- Smoke alarm activation
- Incidents of flooding, due to natural and man-made causes
- Reports of strange or unknown odors
- Loss of services, such as electrical service, phone service
- Threat Credibility Assessment Team (TCAT)
- Hazardous materials releases and spills (HAZ-MAT)
- Weapons of mass destruction (WMD)
- Fire police members providing traffic control and scene security and access control

33. The Fire Companies of the Sullivan Fire District response to the variety of emergency and non-emergency incidents within the Fire District and contract areas (portions of the Town of Fenner and Town of Cicero) and elsewhere, when called for mutual aid, identified hereinabove, is subject to the availability of suitable, trained personnel. The determination of the availability of the requisite number of suitable, trained personnel is to be determined in the sole and absolute discretion of each of said Fire Companies.

34. The Fire Companies of the Sullivan Fire District, the Sullivan Fire District and the Town of Sullivan are:

(a) not obligated to provide a response to any or all of the incidents, nor are they obligated to provide any or all of the services hereinabove set forth;

(b) no special duty is hereby created or construed to be created by virtue of the terms of, or the adoption of these BY-LAWS;

(c) no liability shall be imposed upon the Fire Companies of the Sullivan Fire District, the Sullivan Fire District and the Town of Sullivan or construed to be imposed upon the Fire Companies of the Sullivan Fire District, the Sullivan Fire District and the Town of Sullivan by virtue of the terms of, or the adoption of, or the implementation of these BY-LAWS, or in the providing of a response to any or all of the incidents, or in the provision of any or all of the services hereinabove set forth; and

(d) the Fire Companies of the Sullivan Fire District, the Sullivan Fire District and the Town of Sullivan do not waive, nor shall they be construed to waive any right, privilege and immunity afforded these entities by virtue of any contractual provision, statute, rule, regulation or case law by virtue of the terms of, or the adoption of, or implementation of these BY-LAWS, or in the providing of a response to any or all of the incidents, or in the providing of any or all of the services hereinabove set forth.

**BY ORDER OF THE BOARD OF FIRE COMMISSIONERS  
REVISED, ADOPTED AND EFFECTIVE FEBRUARY 1, 2006**