

9405

I N   A S S E M B L Y

March 1, 2016

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Introduced by M. of A. BUCHWALD -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to powers and duties of fire district commissioners

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Subdivision 11-b of section 176 of the town law, as amended  
2     by chapter 313 of the laws of 2014, is amended to read as follows:  
3     11-b. The members of the fire department at a regular or special meet-  
4     ing of the department held after the month of April but prior to the  
5     month of November in any year may adopt a resolution recommending that  
6     future meetings for the nomination of the chief and assistant chiefs be  
7     held in December, either on the first Thursday, the first Saturday, the  
8     Thursday following the first Tuesday, the Saturday following the first  
9     Tuesday, the Thursday following the second Tuesday, or the Saturday  
10    following the second Tuesday in such month, instead of April as provided  
11    in subdivision eleven-a of this section. Provided, however, the Davis  
12    Park fire department may adopt a resolution to hold future meetings, for  
13    nomination of chief and assistant chiefs, on the last Sunday in Septem-  
14    ber; and the Caton fire district may adopt a resolution to hold future  
15    meetings, for nominations of chief and assistant chiefs, on the second  
16    Tuesday in December. The notice or call for such meeting shall specify  
17    that such a resolution will be offered to be voted upon at such meeting.  
18    If such resolution is adopted, the board of fire commissioners may adopt  
19    a rule or regulation providing that future meetings for the nomination  
20    of chief and assistant chiefs shall be held in December, either on the  
21    first Thursday, the first Saturday, the Thursday following the first  
22    Tuesday, the Saturday following the first Tuesday, the Thursday follow-  
23    ing the second Tuesday, the Saturday following the second Tuesday in  
24    such month, the last Sunday in September in the Davis Park fire depart-  
25    ment, or the second Tuesday in December in the Caton fire district, as  
26    specified in the fire department resolution, instead of April as  
27    provided in subdivision eleven-a of this section. Each nominee shall be  
28    a member of the fire department [and a resident of the state of New

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 York]. In addition, the board of fire commissioners may by resolution  
2 require that any or all of such fire department officers shall be resi-  
3 dents of the fire district. All nominations shall be made by ballot.  
4 The person acting as secretary of such meeting shall promptly notify the  
5 fire district secretary in writing of such nominations. The board of  
6 fire commissioners at its organization meeting in the month of January  
7 next succeeding the making of such nominations shall consider the same  
8 and shall appoint such persons to the offices to which they have been  
9 respectively nominated or, if a nomination is not approved the board of  
10 fire commissioners shall call another meeting of the members of the fire  
11 department at which a new nomination shall be made to take the place of  
12 any nomination not approved, which procedure shall continue until a full  
13 set of officers is approved. Any such person shall assume the duties of  
14 his office as soon as he has been appointed thereto by the board of fire  
15 commissioners and shall serve until his successor is appointed. A person  
16 who has been convicted of arson in any degree shall not be eligible for  
17 nomination, election or appointment to the office of fire department  
18 chief or assistant chief. Any fire department chief or assistant chief  
19 who is convicted of arson in any degree during his term of office shall  
20 be disqualified from completing such term of office.

21 If the date of meetings for the nomination of chief and assistant  
22 chiefs is changed from April to September or December pursuant to the  
23 foregoing provisions of this subdivision, the members of the fire  
24 department at a regular or special meeting of the department held after  
25 the month of April but prior to the month of November in any year may  
26 adopt a resolution recommending that future meetings for the nomination  
27 for such officers shall be held in April pursuant to the provisions of  
28 subdivision eleven-a of this section. The call for such meeting shall  
29 specify that such a resolution will be offered to be voted upon at such  
30 meeting. If such a resolution is adopted, the board of fire commission-  
31 ers may adopt a rule or regulation providing that future meetings for  
32 the nomination of chief and assistant chiefs shall be held in April  
33 pursuant to the provisions of subdivision eleven-a of this section and  
34 that the provisions of such subdivision eleven-a shall again become  
35 applicable.

36 S 2. This act shall take effect immediately.