

STATE OF NEW YORK

8817

IN SENATE

May 22, 2018

Introduced by Sen. MARCELLINO -- read twice and ordered printed, and
when printed to be committed to the Committee on Local Government

AN ACT to authorize the incorporation of the Cold Spring Harbor volunteer and exempt firemen's benevolent association

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Incorporation; membership. A not-for-profit corporation by
2 the name of "Cold Spring Harbor Volunteer and Exempt Firemen's Benevo-
3 lent Association, Incorporated" is hereby created. It shall be composed
4 of such persons eligible for membership therein as hereinafter provided
5 as shall: (a) notify the secretary of the Cold Spring Harbor Volunteer
6 Fire Department Inc., in writing prior to the organization meeting of
7 such corporation hereinafter provided for of their desire to become
8 members; or (b) attend such meeting or an adjournment thereof, and also
9 such persons so eligible as may thereafter become members of such corpo-
10 ration, pursuant to its by-laws.

11 § 2. Persons eligible for membership. All persons who are now or have
12 been, or hereafter shall be, active volunteer members of the Cold Spring
13 Harbor Volunteer Fire Department Inc., and who have heretofore acquired
14 or shall hereafter acquire the status of exempt volunteer firemen as
15 defined in section 200 of the general municipal law or any other appli-
16 cable law by virtue of having rendered service in said fire department,
17 and all persons who are now or hereafter shall be active volunteer
18 members of said fire department shall be eligible for membership in the
19 corporation hereby created; provided, however, that any person who has
20 been expelled or removed for cause from membership in any fire depart-
21 ment or company and who has not been reinstated therein shall not be
22 eligible to membership in such corporation. The membership of any person
23 in such corporation shall terminate when his membership as an active
24 volunteer member of the Cold Spring Harbor Volunteer Fire Department,
25 Inc. shall terminate before such persons shall have acquired the status
26 of exempt volunteer firemen as defined in section 200 of the general
27 municipal law by virtue of having rendered services to such fire depart-
28 ment.

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

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§ 3. Purposes. The purposes of such corporation shall be the maintenance of suitable headquarters for, and the promotion of friendly association for the betterment of the members of such corporation and their relations with the community, for the promotion of fraternal intercourse among the members of such corporation, to study and disseminate among the members of such corporation the most efficient manner of fighting fires and the relief, aid and assistance of such members and their families who are sick or disabled or indigent and to acquire real and personal property such as may be necessary for the purposes herein set forth and the promotion of the welfare of the volunteer fire service within the territory now served or which may hereafter be served by the Cold Spring Harbor Volunteer Fire Department, Inc.

§ 4. Powers and duties. Such corporation shall have all of the powers of a not-for-profit corporation, and the provisions of law relating to not-for-profit corporations shall apply to such corporations except when they conflict with the provisions of this act. However, unless the written approval of the state board of social services shall have first been obtained this corporation shall not establish and maintain any home or institution which, if separately incorporated, would require the approval of such board.

§ 5. Organization, meeting, by-laws. The secretary of the Cold Spring Harbor Volunteer Fire Department, Inc. shall call a meeting for the organization of such corporation to be held not later than three months after the effective date of this act, notice of which shall be given by him by posting or causing to be posted a notice thereof in five conspicuous places, within the territory protected by the Cold Spring Harbor Volunteer Fire Department, Inc. and also by publication of notice thereof in one or more newspapers having a general circulation within such territory, and such posting and publication shall be effected at least ten days prior to the date of such meeting. At such meeting or any adjournment thereof the members of such corporation present shall adopt by-laws and elect officers and trustees to serve until the first annual meeting which shall be held on a date to be fixed by the by-laws. Any member failing to comply with the by-laws, rules or regulations duly adopted by such corporation shall be subject to suspension and expulsion in such manner as may be provided for in such by-laws. Any member who ceases to be such, voluntarily or otherwise, shall forfeit all interest in the property of such corporation.

§ 6. Control and disposal of funds and property. 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 seven members of such corporation with: the president, the vice president, the secretary, the treasurer, financial secretary and two other members having the title of trustee. Such officers and trustees shall be elected at the annual meeting of such corporation in the manner prescribed by its by-laws.

§ 7. Precept for payment of foreign fire insurance premium taxes. Such corporation shall collect and there shall be paid to it all taxes imposed by section 9104 of the insurance law for fire department use and benefit, upon premiums for insurance against loss or damage by fire covering property situated within the territory protected by the Cold Spring Harbor Volunteer Fire Department, Inc. located in the town of Huntington, Suffolk County, New York, within the Cold Spring Fire District. The officers of said corporation designated by its by-laws to collect and receive the aforesaid tax shall have all the powers and be

1 subject to all the provisions of the insurance law, relating to treasur-
2 ers of fire departments. Such corporations shall also be entitled to
3 receive a share of the tax imposed by section 9105 of the insurance law,
4 based upon the business written in the territory with respect to which
5 it is entitled to collect and receive the tax under section 9104 of the
6 insurance law.

7 § 8. This act shall take effect immediately; provided, however, that
8 the provisions of section seven of this act shall apply to taxes due on
9 premiums received on or after the effective date of this act.