

7719

I N S E N A T E

May 5, 2010

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

AN ACT to amend the town law, in relation to allowing the town or village board to make changes to the proposed annual fire district budget and requiring a public vote before appropriations made to capital reserve fund

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

1 Section 1. Paragraphs (a) and (b) of subdivision 3 of section 181 of
2 the town law, as amended by chapter 555 of the laws of 2007, are amended
3 to read as follows:
4 (a) The board of commissioners of each fire district shall hold a
5 public hearing on the third Tuesday in October to discuss the contents
6 of the proposed budget, AND SHALL PRESENT ANY PROPOSED APPROPRIATIONS TO
7 BE MADE TO THE FIRE DISTRICT'S CAPITAL RESERVE FUND AND TO BE VOTED ON
8 AT SUCH HEARING. The hearing AND THE PUBLIC VOTE shall be conducted and
9 scheduled in a manner that maximizes participation. Notice of such
10 public hearing AND PUBLIC VOTE shall be published at least once in the
11 official newspaper, or if no official newspaper has been designated, in
12 any newspaper having general circulation in the district. At least five
13 days shall elapse between the date of the first publication of the
14 notice and the date specified for the hearing AND PUBLIC VOTE. The
15 notice of hearing AND PUBLIC VOTE shall state the time when and the
16 place where the public hearing AND THE PUBLIC VOTE will be held, the
17 purpose thereof and that a copy of the proposed budget AND THE PROPOSED
18 APPROPRIATIONS TO BE MADE TO THE FIRE DISTRICT'S CAPITAL RESERVE FUND
19 [is] ARE available at the office of the town clerk or clerks and fire
20 district secretary where [it] THEY may be inspected by any interested
21 person during office hours. In the case of a fire district that main-
22 tains an internet website, the notice of hearing AND PUBLIC VOTE shall
23 also state that the proposed budget AND PROPOSED APPROPRIATIONS TO BE
24 MADE TO THE FIRE DISTRICT'S CAPITAL RESERVE FUND [is] ARE posted on the
25 fire district's website. The town clerk or clerks shall cause a copy of
26 the notice to be posted on the signboard of the town or towns, main-

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

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1 tained pursuant to subdivision six of section thirty of this chapter,
2 not later than five days before the day designated for such hearing AND
3 PUBLIC VOTE. The notice shall also be posted on the municipal and/or
4 fire district website or websites, if one exists. At such hearing, any
5 person may be heard in favor of or against the proposed budget as
6 compiled, or for or against any item or items therein contained. AT SUCH
7 HEARING, THE PUBLIC SHALL REVIEW THE PROPOSED APPROPRIATIONS TO BE MADE
8 TO THE FIRE DISTRICT'S CAPITAL RESERVE FUND AND SHALL VOTE IN FAVOR OR
9 AGAINST SUCH APPROPRIATIONS. IF IT IS DETERMINED THAT SUCH PROPOSED
10 APPROPRIATIONS TO SUCH CAPITAL RESERVE FUND ARE NOT SATISFACTORY, THE
11 BOARD OF FIRE COMMISSIONERS SHALL TAKE SUCH DETERMINATION INTO CONSIDER-
12 ATION WHEN CHANGING, ALTERING OR REVISING SUCH PROPOSED BUDGET.

13 (b) After the public hearing, THE TOWN OR VILLAGE BOARD MAY MAKE
14 CHANGES TO THE PROPOSED BUDGET AND SUBMIT SUCH CHANGES TO the board of
15 fire commissioners. THE BOARD OF FIRE COMMISSIONERS SHALL REVIEW AND
16 CONSIDER SUCH PROPOSED CHANGES AND ANY DETERMINATIONS MADE AS A RESULT
17 OF A PUBLIC VOTE CONCERNING PROPOSED APPROPRIATIONS TO BE MADE TO THE
18 CAPITAL RESERVE FUND, AND may adopt SUCH changes, alterations and
19 revisions to the proposed budget subject to the requirements of para-
20 graph (a) of subdivision two of this section, except that the board of
21 fire commissioners shall not add or increase an appropriation to a capi-
22 tal reserve fund. On or before the fourth day of November, the board of
23 fire commissioners shall adopt as the annual budget of the fire district
24 either the proposed budget or the proposed budget as changed, altered or
25 revised after the public hearing. In the event that the board of fire
26 commissioners fails to adopt the annual budget by such date, the
27 proposed budget with such changes, alterations and revisions as shall
28 have been adopted by the board of fire commissioners by that date shall
29 constitute the annual budget of the fire district.

30 S 2. This act shall take effect on the first of January next succeed-
31 ing the date on which it shall have become a law.