

1694

2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

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

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, paragraph (a) as amended and paragraph (b) as added by  
3 chapter 555 of the laws of 2007, are amended 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

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

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

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

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