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I N   A S S E M B L Y

June 19, 2012

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Introduced by COMMITTEE ON RULES -- (at request of M. of A. J. Miller)  
-- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to elections of fire district officers

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

1     Section 1. Subdivision 1 of section 175 of the town law, as amended by  
2 chapter 334 of the laws of 2011, is amended to read as follows:  
3     1. An annual election shall be held in each fire district on the  
4 second Tuesday in December, except that:  
5     (A) in the Ocean Bay Park fire district, the Lonelyville fire  
6 district, the Davis Park fire district, the Cherry Grove fire district,  
7 the Fair Harbor fire district and the Fire Island Pines fire district,  
8 Suffolk county, such annual election shall be held on the second Tuesday  
9 in July[, except that];  
10     (B) in the town of Salisbury, Herkimer county, AND IN THE FAIRVIEW  
11 FIRE DISTRICT AND THE ARLINGTON FIRE DISTRICT, DUTCHESS COUNTY, such  
12 annual election shall be held on the Tuesday next succeeding the first  
13 Monday in November from six o'clock in the morning until nine o'clock in  
14 the evening [and except that]; AND  
15     (C) in the Belfast fire district, Allegany county, such annual  
16 election shall be held on the first Tuesday in December. The board of  
17 fire commissioners shall give notice thereof by the publication of a  
18 notice once in one or more newspapers having a general circulation in  
19 the district. The first publication of such notice shall be not less  
20 than twenty-seven days and not more than thirty-four days prior to the  
21 date of such election. Such notice shall specify the time when and the  
22 place where such election will be held, the officers to be elected there-  
23 at and their terms of office, and the hours during which the polls will  
24 be open for the receipt of ballots. The secretary of such fire district  
25 shall prepare the ballots for all elections of fire district officers  
26 and the polls shall remain open for the receipt thereof at all elections  
27 of fire district officers from six o'clock in the evening until nine  
28 o'clock in the evening and such additional consecutive hours prior ther-

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

LBD16339-01-2

1 eto as the board of fire commissioners of such district may have deter-  
2 mined and specified in the notice thereof. The board of fire commission-  
3 ers shall designate a resident fire district elector, who shall be a  
4 registered voter of the town, to act as chairman of any election of said  
5 district and shall designate not less than two nor more than four resi-  
6 dent fire district electors, who shall be registered voters of the town  
7 to act as election inspectors and ballot clerks at such elections. No  
8 elective officer of the fire district shall serve as such chairman or as  
9 an election inspector or ballot clerk. The board of fire commissioners  
10 may adopt a resolution providing that such chairman, election inspectors  
11 and ballot clerks shall be paid for their respective services at any  
12 such annual election or at any special election of the fire district.  
13 Such resolution, if adopted, shall fix the amount of such compensation,  
14 as follows: if the hours during which the polls will be open for the  
15 receipt of ballots are from six o'clock in the evening until nine  
16 o'clock in the evening, a sum not to exceed thirty-five dollars for each  
17 such official; if additional consecutive hours prior to six o'clock in  
18 the evening are determined and specified in the notice of election, a  
19 sum not to exceed fifty dollars for each such official.

20 S 2. Subdivision 1 of section 174 of the town law, as amended by chap-  
21 ter 74 of the laws of 2009, is amended to read as follows:

22 1. Whenever a fire district shall be established, within ten days  
23 thereafter the town board of the town in which such district is located  
24 or, in the case of a district including territory in two or more towns,  
25 the town boards of such towns acting jointly by a majority vote of the  
26 members of each of such town boards, shall appoint five fire district  
27 commissioners and a treasurer for such district who shall hold their  
28 respective offices until the thirty-first day of December next succeed-  
29 ing; provided, however, that if such district be established subsequent  
30 to the first day of October in any year, the officers so appointed by  
31 the town board shall hold office until the thirty-first day of December  
32 of the next succeeding calendar year. A person so appointed as fire  
33 district commissioner shall not serve as chief or assistant chief of the  
34 fire district fire department after taking his oath of office as such  
35 commissioner and during the time he serves as such commissioner pursuant  
36 to such appointment. The town clerk shall immediately notify the  
37 appointees of their appointment and of the time and place which he shall  
38 fix for the organization meeting of the board of fire commissioners,  
39 which meeting shall be held not later than ten days after the appoint-  
40 ment of said officers. At such organization meeting, the treasurer shall  
41 preside until such time as a chairman of the board of fire commissioners  
42 shall be chosen, but such treasurer shall not be entitled to a vote at  
43 such meeting. The board of fire commissioners shall appoint a secretary  
44 who shall hold office until the thirty-first day of December following  
45 the first election of fire district officers. NOTWITHSTANDING ANY  
46 INCONSISTENT PROVISION OF LAW, AND SUBJECT TO THE PROVISIONS OF PARA-  
47 GRAPHS (A) AND (B) OF THIS SUBDIVISION, THE BOARD OF FIRE COMMISSIONERS  
48 IN FIRE DISTRICTS SPECIFIED IN PARAGRAPH (B) OF SUBDIVISION ONE OF  
49 SECTION ONE HUNDRED SEVENTY-FIVE OF THIS ARTICLE SHALL BE EXPANDED TO  
50 INCLUDE THE TOWN SUPERVISOR AND A TAXPAYER REPRESENTATIVE APPOINTED BY  
51 THE TOWN BOARD. NEITHER THE TOWN SUPERVISOR OR THE TOWN BOARD TAXPAYER  
52 REPRESENTATIVE SHALL BE MEMBERS OF SAID FIRE DISTRICT WHILE SERVING ON  
53 THE BOARD OF FIRE COMMISSIONERS. BOTH THE TOWN SUPERVISOR AND THE TOWN  
54 BOARD TAXPAYER REPRESENTATIVE SHALL BE VOTING MEMBERS.

55 (A) IN FIRE DISTRICTS COMPOSED ENTIRELY OF ONE MUNICIPALITY, UPON  
56 RECEIPT OF A PETITION SIGNED BY AT LEAST TEN QUALIFIED VOTERS OF THE

1 AFFECTED FIRE DISTRICT REQUESTING A MEETING TO CONSIDER THE APPOINTMENT  
2 OF THE TOWN SUPERVISOR AND A TAXPAYER REPRESENTATIVE AS MEMBERS OF THE  
3 BOARD OF FIRE COMMISSIONERS, A SPECIAL MEETING SHALL BE CALLED TO GAIN  
4 THE APPROVAL OF THE QUALIFIED VOTERS OF THE DISTRICT FOR THE PROPOSED  
5 MEASURE. THE BOARD MUST GIVE PUBLIC NOTICE THAT A MEETING OF THE  
6 DISTRICT WILL BE HELD AT CENTRALLY LOCATED PLACES DESIGNATED BY THE  
7 BOARD OF ELECTIONS IN ORDER TO VOTE UPON THE MEASURE. THE MEETING MUST  
8 BE HELD NOT LESS THAN TWENTY NOR MORE THAN THIRTY DAYS AFTER PUBLICATION  
9 OF THE NOTICE. IF THE MEASURE IS APPROVED, REPRESENTATION SHALL BEGIN AT  
10 THE COMMENCEMENT OF THE NEXT ELECTION CYCLE. IF THE MEASURE IS DEFEATED,  
11 THE QUESTION MAY NOT BE RAISED AGAIN FOR ONE YEAR.

12 (B) IN FIRE DISTRICTS COMPOSED OF TWO OR MORE MUNICIPALITIES, UPON  
13 RECEIPT OF A PETITION SIGNED BY AT LEAST TEN QUALIFIED VOTERS OF EACH  
14 AFFECTED FIRE DISTRICT REQUESTING A MEETING TO CONSIDER THE APPOINTMENT  
15 OF THE TOWN SUPERVISOR AND A TAXPAYER REPRESENTATIVE AS MEMBERS OF THE  
16 BOARD OF FIRE COMMISSIONERS, A SPECIAL MEETING SHALL BE CALLED IN EACH  
17 DISTRICT TO GAIN THE APPROVAL OF THE QUALIFIED VOTERS OF EACH DISTRICT  
18 FOR A PROPOSED AGREEMENT PROVIDING FOR ALTERNATING REPRESENTATION BY  
19 EACH MUNICIPAL GOVERNMENT. EACH BOARD MUST GIVE PUBLIC NOTICE THAT A  
20 MEETING OF AFFECTED DISTRICTS WILL BE HELD AT CENTRALLY LOCATED PLACES  
21 DESIGNATED BY THE BOARD OF ELECTIONS IN ORDER TO VOTE UPON THE MEASURE.  
22 THE MEETING MUST BE HELD NOT LESS THAN TWENTY NOR MORE THAN THIRTY DAYS  
23 AFTER PUBLICATION OF THE NOTICE. IF THE MEASURE IS DEFEATED IN ANY OF  
24 THE AFFECTED MUNICIPALITIES IT SHALL BE DEEMED TO HAVE FAILED. IF THE  
25 MEASURE IS APPROVED, REPRESENTATION SHALL BEGIN AT THE COMMENCEMENT OF  
26 THE NEXT ELECTION CYCLE. IF THE MEASURE IS DEFEATED, THE QUESTION MAY  
27 NOT BE RAISED AGAIN FOR ONE YEAR.

28 S 3. This act shall take effect immediately and shall apply to the  
29 election cycle of a fire district next succeeding such date.