S T A T E O F N E W Y O R K

10794

I N A S S E M B L Y

June 19, 2012

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:

Section 1. Subdivision 1 of section 175 of the town law, as amended by chapter 334 of the laws of 2011, is amended to read as follows:

1. An annual election shall be held in each fire district on the second Tuesday in December, except that:

(A) in the Ocean Bay Park fire district, the Lonelyville fire district, the Davis Park fire district, the Cherry Grove fire district, the Fair Harbor fire district and the Fire Island Pines fire district, Suffolk county, such annual election shall be held on the second Tuesday in July[, except that];

(B) in the town of Salisbury, Herkimer county, AND IN THE FAIRVIEW FIRE DISTRICT AND THE ARLINGTON FIRE DISTRICT, DUTCHESS COUNTY, such annual election shall be held on the Tuesday next succeeding the first Monday in November from six o'clock in the morning until nine o'clock in the evening [and except that]; AND

(C) in the Belfast fire district, Allegany county, such annual election shall be held on the first Tuesday in December. The board of fire commissioners shall give notice thereof by the publication of a notice once in one or more newspapers having a general circulation in the district. The first publication of such notice shall be not less than twenty-seven days and not more than thirty-four days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the officers to be elected thereat and their terms of office, and the hours during which the polls will be open for the receipt of ballots. The secretary of such fire district shall prepare the ballots for all elections of fire district officers and the polls shall remain open for the receipt thereof at all elections of fire district officers from six o'clock in the evening until nine 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

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

S 2. Subdivision 1 of section 174 of the town law, as amended by chapter 74 of the laws of 2009, is amended to read as follows:

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

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

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

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

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