

9359

I N   A S S E M B L Y

April 22, 2014

---

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

AN ACT to amend the town law, in relation to the Caton fire district

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

1     Section 1. Subdivision 11-b of section 176 of the town law, as amended  
2     by chapter 169 of the laws of 1986, is amended to read as follows:  
3     11-b. The members of the fire department at a regular or special meet-  
4     ing of the department held after the month of April but prior to the  
5     month of November in any year may adopt a resolution recommending that  
6     future meetings for the nomination of the chief and assistant chiefs be  
7     held in December, either on the first Thursday, the first Saturday, the  
8     Thursday following the first Tuesday, the Saturday following the first  
9     Tuesday, the Thursday following the second Tuesday, or the Saturday  
10    following the second Tuesday in such month, instead of April as provided  
11    in subdivision eleven-a of this section. Provided, however, the Davis  
12    Park fire department may adopt a resolution to hold future meetings, for  
13    nomination of chief and assistant chiefs, on the last Sunday in Septem-  
14    ber; AND THE CATON FIRE DISTRICT MAY ADOPT A RESOLUTION TO HOLD FUTURE  
15    MEETINGS, FOR NOMINATIONS OF CHIEF AND ASSISTANT CHIEFS, ON THE SECOND  
16    TUESDAY IN DECEMBER. The notice or call for such meeting shall specify  
17    that such a resolution will be offered to be voted upon at such meeting.  
18    If such resolution is adopted, the board of fire commissioners may adopt  
19    a rule or regulation providing that future meetings for the nomination  
20    of chief and assistant chiefs shall be held in December, either on the  
21    first Thursday, the first Saturday, the Thursday following the first  
22    Tuesday, the Saturday following the first Tuesday, the Thursday follow-  
23    ing the second Tuesday, [or] the Saturday following the second Tuesday  
24    in such month [or], the last Sunday in September in the Davis Park fire  
25    department, OR THE SECOND TUESDAY IN DECEMBER IN THE CATON FIRE  
26    DISTRICT, as specified in the fire department resolution, instead of  
27    April as provided in subdivision eleven-a of this section. Each nominee  
28    shall be a member of the fire department and a resident of the state of  
29    New York. In addition, the board of fire commissioners may by resol-

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

LBD14003-01-4

1 ution require that any or all of such fire department officers shall be  
2 residents of the fire district. All nominations shall be made by ballot.  
3 The person acting as secretary of such meeting shall promptly notify the  
4 fire district secretary in writing of such nominations. The board of  
5 fire commissioners at its organization meeting in the month of January  
6 next succeeding the making of such nominations shall consider the same  
7 and shall appoint such persons to the offices to which they have been  
8 respectively nominated or, if a nomination is not approved the board of  
9 fire commissioners shall call another meeting of the members of the fire  
10 department at which a new nomination shall be made to take the place of  
11 any nomination not approved, which procedure shall continue until a full  
12 set of officers is approved. Any such person shall assume the duties of  
13 his office as soon as he has been appointed thereto by the board of fire  
14 commissioners and shall serve until his successor is appointed. A person  
15 who has been convicted of arson in any degree shall not be eligible for  
16 nomination, election or appointment to the office of fire department  
17 chief or assistant chief. Any fire department chief or assistant chief  
18 who is convicted of arson in any degree during his term of office shall  
19 be disqualified from completing such term of office.

20 If the date of meetings for the nomination of chief and assistant  
21 chiefs is changed from April to September or December pursuant to the  
22 foregoing provisions of this subdivision, the members of the fire  
23 department at a regular or special meeting of the department held after  
24 the month of April but prior to the month of November in any year may  
25 adopt a resolution recommending that future meetings for the nomination  
26 for such officers shall be held in April pursuant to the provisions of  
27 subdivision eleven-a of this section. The call for such meeting shall  
28 specify that such a resolution will be offered to be voted upon at such  
29 meeting. If such a resolution is adopted, the board of fire commission-  
30 ers may adopt a rule or regulation providing that future meetings for  
31 the nomination of chief and assistant chiefs shall be held in April  
32 pursuant to the provisions of subdivision eleven-a of this section and  
33 that the provisions of such subdivision eleven-a shall again become  
34 applicable.

35 S 2. This act shall take effect immediately.