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

4336--A

Cal. No. 832

2015-2016 Regular Sessions

I N S E N A T E

March 16, 2015

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the village law, in relation to allowing the municipal volunteer fire department of the village of Fishkill to hold its annual meeting and election of company and chief officers in December of each year

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

Section 1. Section 10-1010 of the village law, as amended by chapter 719 of the laws of 1985, is amended to read as follows:

S 10-1010 Election of company officers and delegates. Each of the several companies whose members constitute the fire department of the village shall hold an annual meeting on the first Tuesday in April in each year, EXCEPT THOSE FIRE COMPANIES CONSTITUTING THE FIRE DEPARTMENT OF THE VILLAGE OF FISHKILL, DUTCHESS COUNTY, WHICH SHALL HOLD SUCH ANNUAL MEETINGS ON THE FIRST TUESDAY IN DECEMBER OF EACH YEAR. At such meeting the members of each company shall elect by ballot from their own number a captain and a lieutenant, and such further officers if any as may be provided for in the by-laws of the company, who must be approved by the board of fire commissioners, one warden and one delegate to the general convention of the fire department. The terms of office of the captain and lieutenant and such further officers if any, as are elected as herein provided, shall be one year, the wardens two years, and the delegates three years, respectively, and any vacancies occurring in any such offices shall be filled by election in like manner. At the first annual meeting after this act takes effect two wardens and three delegates shall be elected, the wardens to serve for one and two years, respectively, and the delegates for one, two and three years, respec-

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

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tively. Any person who has been convicted of arson in any degree shall not be eligible for election to the office of captain, lieutenant, warden, delegate and any other offices provided for in the by-laws of the company. Any captain, lieutenant, warden, delegate or other officer of the company who is convicted of arson in any degree during his term of office shall be disqualified from completing such term of office.

S 2. Section 10-1012 of the village law, as amended by chapter 88 of the laws of 1980, the opening paragraph as amended by chapter 719 of the laws of 1985, and the second undesignated paragraph as amended by chapter 433 of the laws of 1991, is amended to read as follows:

S 10-1012 Chief and assistant chiefs. 1. The chief and the first and second assistant chiefs and such additional assistant chiefs, if any, as may be provided for in the by-laws of the fire department shall each be a member thereof and a resident of the state of New York. In addition, the board of trustees, or the board of fire commissioners subject to the approval of the board of trustees, may, by resolution, require that any or all of such fire department officers shall be residents of the village. The delegates elected to the general convention of the fire department shall meet at the council room thereof on the Thursday following the first Tuesday in April, EXCEPT THE ELECTED DELEGATES OF THE FIRE DEPARTMENT OF THE VILLAGE OF FISHKILL, DUTCHESS COUNTY, WHICH SHALL MEET ON THE FIRST TUESDAY IN DECEMBER, and nominate a person for each of such offices; but the fire commissioners of any village may adopt a rule requiring all such nominations to be made on [that day] THE DAY OF THE MEETING by a vote of the duly qualified members of the department, in which case the meeting of the delegates in general convention, as provided for in this section, shall be dispensed with. The person acting as secretary of such convention shall forthwith file in the office of the village clerk a certificate of such nominations. The board of fire commissioners at its next meeting shall consider the nominations and appoint such persons to the offices to which they are respectively nominated or, if a nomination is not approved the board shall reconvene the general convention, which shall submit a new nomination to take the place of any nomination not approved, which procedure shall continue until a full set of officers is approved. A person who has been convicted of arson in any degree shall not be eligible for nomination, election or appointment to the office of chief or assistant chief. Any fire chief or assistant chief who is convicted of arson in any degree during his term of office shall be disqualified from completing such term of office.

2. Notwithstanding the provisions of any general, special or local law inconsistent herewith any such chief or assistant chief of a village fire department need not be a resident of the village in order to serve as a member of the council of the fire department of the village pursuant to section 10-1014 of this article unless the board of trustees, or the board of fire commissioners subject to the approval of the board of trustees, has, by resolution, as provided in this section, required that any or all of such fire department officers shall be residents of the village. Except as otherwise provided pursuant to this [paragraph] SUBDIVISION, a person shall not hold the office of village mayor or village trustee and the office of chief or assistant chief of a village fire department at the same time. A village trustee who does not, either as an individual or as a member of a board, appoint or approve the appointment of the chief or assistant chief of a village fire department, may hold the office of chief or assistant chief at the same time. Notwithstanding any inconsistent provision of law, a person who is the

chief or an assistant chief of a village fire department, if he is otherwise qualified, may be elected to the office of village mayor or village trustee or may be appointed to the office of village mayor or village trustee to fill a vacancy and, if he is so elected or appointed, his office as chief or assistant chief, as the case may be, shall become vacant upon his taking his oath of office as village mayor or village trustee.

S 3. Section 10-1014 of the village law, as amended by chapter 894 of the laws of 1972, is amended to read as follows:

S 10-1014 Council of fire department. In a village in which separate fire commissioners are not appointed, the chief, the assistant, and the wardens of the several companies constitute the council of the fire department. The council shall meet on the third Tuesday in April in each year, EXCEPT FOR THE COUNCIL OF THE FIRE DEPARTMENT OF THE VILLAGE OF FISHKILL, DUTCHESS COUNTY, WHICH SHALL MEET ON THE FIRST TUESDAY OF DECEMBER, and choose from its own number a secretary, a treasurer and a collector of the fire department, who shall hold their respective offices for one year unless sooner removed by the council. A vacancy in the office of secretary, treasurer or collector shall be filled by the council at its next meeting for the balance of the unexpired term. Such council shall have all the powers and be subject to all the liabilities and perform all the duties of a separate board of fire commissioners, as prescribed in section 10-1000 of this article, except subdivisions two, three, four and eight and the fixing of compensation under subdivisions five and seven of such section, and as to the provisions of such subdivisions such council shall only recommend to the board of trustees of the village. A majority of the members of such council constitute a quorum, and may make and prescribe by-laws for the proper management of the affairs and the disposition of the funds of the fire department, may call meetings of the members, and designate one or more days in each year for public exercise, inspection and review.

S 4. This act shall take effect immediately.