

S. 323

A. 91

2015-2016 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 7, 2015

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

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

AN ACT to amend the town law, in relation to fire district nominations for the offices of chief and assistant chiefs

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

1 Section 1. Subdivisions 11-a and 11-b of section 176 of the town law,
2 subdivision 11-a as amended by chapter 351 of the laws of 2000 and
3 subdivision 11-b as amended by chapter 313 of the laws of 2014, are
4 amended to read as follows:
5 11-a. The members of the fire department of the fire district shall
6 meet at a time and place designated by the board of fire commissioners
7 on the Thursday following the first Tuesday in April of each year and
8 nominate persons WHO MAY BE EMPLOYED BY THE DISTRICT for the offices of
9 chief and such assistant chiefs as may be provided for in the rules and
10 regulations adopted by the board of fire commissioners. If the Thursday
11 following the first Tuesday in April falls upon a day of special religious
12 observance, the board of fire commissioners may designate any
13 other weekday in April after such Thursday as the day upon which to hold
14 such meeting. Each nominee shall be a member of the fire department. In
15 addition, the board of fire commissioners may by resolution require that
16 any or all of such fire department officers shall be residents of the
17 fire district. All nominations shall be made by ballot. The person
18 acting as secretary of such meeting shall promptly notify the fire
19 district secretary in writing of such nominations. The board of fire
20 commissioners at its meeting next succeeding the making of such nomi-

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

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1 nations shall consider the same and shall appoint such persons to the
2 offices to which they have been respectively nominated or, if a nomi-
3 nation is not approved the board of fire commissioners shall call anothe-
4 er meeting of the members of the fire department at which a new nomi-
5 nation shall be made to take the place of any nomination not approved,
6 which procedure shall continue until a full set of officers is approved.
7 Any such person shall assume the duties of his office as soon as he has
8 been appointed thereto by the board of fire commissioners and shall
9 serve until his successor is appointed. A person who has been convicted
10 of arson in any degree shall not be eligible for nomination, election or
11 appointment to the office of fire department chief or assistant chief.
12 Any fire department chief or assistant chief who is convicted of arson
13 in any degree during his term of office shall be disqualified from
14 completing such term of office.

15 11-b. The members of the fire department at a regular or special meet-
16 ing of the department held after the month of April but prior to the
17 month of November in any year may adopt a resolution recommending that
18 future meetings for the nomination of the chief and assistant chiefs be
19 held in December, either on the first Thursday, the first Saturday, the
20 Thursday following the first Tuesday, the Saturday following the first
21 Tuesday, the Thursday following the second Tuesday, or the Saturday
22 following the second Tuesday in such month, instead of April as provided
23 in subdivision eleven-a of this section. Provided, however, the Davis
24 Park fire department may adopt a resolution to hold future meetings, for
25 nomination of chief and assistant chiefs, on the last Sunday in Septem-
26 ber; and the Caton fire district may adopt a resolution to hold future
27 meetings, for nominations of chief and assistant chiefs, on the second
28 Tuesday in December. The notice or call for such meeting shall specify
29 that such a resolution will be offered to be voted upon at such meeting.
30 If such resolution is adopted, the board of fire commissioners may adopt
31 a rule or regulation providing that future meetings for the nomination
32 of chief and assistant chiefs shall be held in December, either on the
33 first Thursday, the first Saturday, the Thursday following the first
34 Tuesday, the Saturday following the first Tuesday, the Thursday follow-
35 ing the second Tuesday, the Saturday following the second Tuesday in
36 such month, the last Sunday in September in the Davis Park fire depart-
37 ment, or the second Tuesday in December in the Caton fire district, as
38 specified in the fire department resolution, instead of April as
39 provided in subdivision eleven-a of this section. Each nominee shall be
40 a member of the fire department and a resident of the state of New York.
41 In addition, the board of fire commissioners may by resolution require
42 that any or all of such fire department officers shall be residents of
43 the fire district. All nominations shall be made by ballot. The person
44 acting as secretary of such meeting shall promptly notify the fire
45 district secretary in writing of such nominations. The board of fire
46 commissioners at its organization meeting in the month of January next
47 succeeding the making of such nominations shall consider the same and
48 shall appoint such persons WHO MAY BE EMPLOYED BY THE DISTRICT to the
49 offices to which they have been respectively nominated or, if a nomi-
50 nation is not approved the board of fire commissioners shall call anothe-
51 er meeting of the members of the fire department at which a new nomi-
52 nation shall be made to take the place of any nomination not approved,
53 which procedure shall continue until a full set of officers is approved.
54 Any such person shall assume the duties of his office as soon as he has
55 been appointed thereto by the board of fire commissioners and shall
56 serve until his successor is appointed. A person who has been convicted

1 of arson in any degree shall not be eligible for nomination, election or
2 appointment to the office of fire department chief or assistant chief.
3 Any fire department chief or assistant chief who is convicted of arson
4 in any degree during his term of office shall be disqualified from
5 completing such term of office.

6 If the date of meetings for the nomination of chief and assistant
7 chiefs is changed from April to September or December pursuant to the
8 foregoing provisions of this subdivision, the members of the fire
9 department at a regular or special meeting of the department held after
10 the month of April but prior to the month of November in any year may
11 adopt a resolution recommending that future meetings for the nomination
12 for such officers shall be held in April pursuant to the provisions of
13 subdivision eleven-a of this section. The call for such meeting shall
14 specify that such a resolution will be offered to be voted upon at such
15 meeting. If such a resolution is adopted, the board of fire commission-
16 ers may adopt a rule or regulation providing that future meetings for
17 the nomination of chief and assistant chiefs shall be held in April
18 pursuant to the provisions of subdivision eleven-a of this section and
19 that the provisions of such subdivision eleven-a shall again become
20 applicable.

21 S 2. This act shall take effect immediately.