STATE OF NEW YORK

4754

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 2017

Introduced by M. of A. PALMESANO, CASTORINA, BLANKENBUSH, B. MILLER, MONTESANO, RAIA, WALTER, LAWRENCE -- Multi-Sponsored by -- M. of A. CROUCH, LOPEZ, McDONOUGH, MORINELLO, OAKS -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to the election of fire chiefs and assistant fire chiefs

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 11-a of section 176 of the town law, as amended by chapter 351 of the laws of 2000, is amended to read as follows:

11-a. The members of the fire department of the fire district shall meet at a time and place designated by the board of fire commissioners on the Thursday following the first Tuesday in April of each year and nominate persons for the offices of chief and such assistant chiefs as may be provided for in the rules and regulations adopted by the board of fire commissioners**; provided, however, that the board of fire commissioners may by resolution, adopt a policy allowing fire districts the option to set the day of election of chief and assistant chiefs on the same day as the fire department's election of administration officers**. [~~If the Thursday following the first Tuesday in April falls upon a day of special religious observance, the board of fire commissioners may designate any other weekday in April after such Thursday as the day upon which to hold such meeting.~~] Each nominee shall be a member of the fire department. In addition, the board of fire commissioners may by resolution require that any or all of such fire department officers shall be residents of the fire district. All nominations shall be made by ballot. The person acting as secretary of such meeting shall promptly notify the fire district secretary in writing of such nominations. The board of fire commissioners at its meeting next succeeding the making of such nominations shall consider the same and shall appoint such persons to the offices to which they have been respectively nominated or, if a

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

LBD07858-01-7

nomination is not approved the board of fire commissioners shall call another meeting of the members of the fire department at which a new nomination shall be made to take the place of any nomination not approved, which procedure shall continue until a full set of officers is approved. Any such person shall assume the duties of his office as soon as he has been appointed thereto by the board of fire commissioners and shall serve until his successor is appointed. A person who has been convicted of arson in any degree shall not be eligible for nomination, election or appointment to the office of fire department chief or assistant chief. Any fire department 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. This act shall take effect immediately.