

STATE OF NEW YORK

6991--A

2019-2020 Regular Sessions

IN ASSEMBLY

April 3, 2019

Introduced by M. of A. GARBARINO -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the town law, in relation to the nomination of fire district officers in the Fair Harbor 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 351 of the laws of 2016, 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; and the Fair Harbor fire department may adopt a
17 resolution to hold future meetings, for nomination of the chief and
18 assistant chiefs, on the third Sunday in September. The notice or call
19 for such meeting shall specify that such a resolution will be offered to
20 be voted upon at such meeting. If such resolution is adopted, the board
21 of fire commissioners may adopt a rule or regulation providing that
22 future meetings for the nomination of chief and assistant chiefs shall
23 be held in December, either on the first Thursday, the first Saturday,
24 the Thursday following the first Tuesday, the Saturday following the

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

LBD10676-02-9

1 first Tuesday, the Thursday following the second Tuesday, the Saturday
2 following the second Tuesday in such month, the last Sunday in September
3 in the Davis Park fire department, [~~or~~] the second Tuesday in December
4 in the Caton fire district, or the third Sunday in September in the Fair
5 Harbor fire department, as specified in the fire department resolution,
6 instead of April as provided in subdivision eleven-a of this section.
7 Each nominee shall be a member of the fire department. In addition, the
8 board of fire commissioners may by resolution require that any or all of
9 such fire department officers shall be residents of the fire district.
10 All nominations shall be made by ballot. The person acting as secretary
11 of such meeting shall promptly notify the fire district secretary in
12 writing of such nominations. The board of fire commissioners at its
13 organization meeting in the month of January next succeeding the making
14 of such nominations shall consider the same and shall appoint such
15 persons to the offices to which they have been respectively nominated
16 or, if a nomination is not approved the board of fire commissioners
17 shall call another meeting of the members of the fire department at
18 which a new nomination shall be made to take the place of any nomination
19 not approved, which procedure shall continue until a full set of offi-
20 cers is approved. Any such person shall assume the duties of his office
21 as soon as he has been appointed thereto by the board of fire commis-
22 sioners and shall serve until his successor is appointed. A person who
23 has been convicted of arson in any degree shall not be eligible for
24 nomination, election or appointment to the office of fire department
25 chief or assistant chief. Any fire department chief or assistant chief
26 who is convicted of arson in any degree during his term of office shall
27 be disqualified from completing such term of office.

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

43 § 2. This act shall take effect on the thirtieth day after it shall
44 have become a law.