

STATE OF NEW YORK

9883

IN ASSEMBLY

February 20, 2020

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

AN ACT to amend the town law, in relation to the nomination and appointment of chiefs and assistant chiefs for the Brighton fire company number five

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 208 of the laws of 2019, 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; the Caton fire district may adopt a resolution to hold future meet-
15 ings, for nominations of chief and assistant chiefs, on the second Tues-
16 day 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; and the Brighton
19 fire company number five may adopt a resolution to hold future meetings,
20 for nominations of chief and assistant chiefs, on the date of such
21 company's regularly scheduled monthly meeting in the month of October.

22 The notice or call for such meeting shall specify that such a resolution
23 will be offered to be voted upon at such meeting. If such resolution is
24 adopted, the board of fire commissioners may adopt a rule or regulation
25 providing that future meetings for the nomination of chief and assistant
26 chiefs shall be held in December, either on the first Thursday, the
27 first Saturday, the Thursday following the first Tuesday, the Saturday

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

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

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

47 § 2. This act shall take effect immediately.