STATE OF NEW YORK

4839

2019-2020 Regular Sessions

IN SENATE

March 27, 2019

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

AN ACT to amend the town law, in relation to providing that the South New Berlin fire district, Chenango county, shall have elections on the second Wednesday of December

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

Section 1. Legislative findings. 1. It is hereby found and determined that the South New Berlin Fire District, located in the town of New Berlin, Chenango County, has acted consistent with all applicable provisions of article 11 of the town law in the governance of the South New Berlin Fire District providing fire protection services in the town of New Berlin notwithstanding the failure of the district to obtain prior legislative approval to hold annual elections for district officers on a date other than that specified in section 175 of the town law.

2. Notwithstanding any law to the contrary, the election of any officer of the South New Berlin Fire District, and all actions and proceedings of the South New Berlin Fire District and its officers taken prior to the effective date of this act are hereby legalized, validated and ratified, notwithstanding the district's failure to adhere to the provisions of section 175 of the town law that require annual elections for district officers to be held on the second Tuesday in December. Elected officers of the South New Berlin Fire District currently in office shall continue to serve in such capacity until the expiration of his or her term.

§ 2. Subdivision 1 of section 175 of the town law, as amended by chapter 334 of the laws of 2011, is amended to read as follows:

1. An annual election shall be held in each fire district on the second Tuesday in December, except that in the Ocean Bay Park fire district, the Lonelyville fire district, the Davis Park fire district, the Cherry Grove fire district, the Fair Harbor fire district and the

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

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Fire Island Pines fire district, Suffolk county, such annual election shall be held on the second Tuesday in July, **except that in the South New Berlin fire district, Chenango county, such annual election shall be held on the second Wednesday of December,** except that in the town of Salisbury, Herkimer county, such annual election shall be held on the Tuesday next succeeding the first Monday in November from six o'clock in the morning until nine o'clock in the evening and except that in the Belfast fire district, Allegany county, such annual election shall be held on the first Tuesday in December. The board of fire commissioners shall give notice thereof by the publication of a notice once in one or more newspapers having a general circulation in the district. The first publication of such notice shall be not less than twenty-seven days and not more than thirty-four days prior to the date of such election. Such notice shall specify the time when and the place where such election will be held, the officers to be elected thereat and their terms of office, and the hours during which the polls will be open for the receipt of ballots. The secretary of such fire district shall prepare the ballots for all elections of fire district officers and the polls shall remain open for the receipt thereof at all elections of fire district officers from six o'clock in the evening until nine o'clock in the evening and such additional consecutive hours prior thereto as the board of fire commissioners of such district may have determined and specified in the notice thereof. The board of fire commissioners shall designate a resident fire district elector, who shall be a registered voter of the town, to act as chairman of any election of said district and shall designate not less than two nor more than four resident fire district electors, who shall be registered voters of the town to act as election inspectors and ballot clerks at such elections. No elective officer of the fire district shall serve as such chairman or as an election inspector or ballot clerk. The board of fire commissioners may adopt a resolution providing that such chairman, election inspectors and ballot clerks shall be paid for their respective services at any such annual election or at any special election of the fire district. Such resolution, if adopted, shall fix the amount of such compensation, as follows: if the hours during which the polls will be open for the receipt of ballots are from six o'clock in the evening until nine o'clock in the evening, a sum not to exceed thirty-five dollars for each such official; if additional consecutive hours prior to six o'clock in the evening are determined and specified in the notice of election, a sum not to exceed fifty dollars for each such official.

§ 3. This act shall take effect immediately.