

# STATE OF NEW YORK

7750

## IN SENATE

February 13, 2020

Introduced by Sen. JACOBS -- 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 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 (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD13366-03-0

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.