

STATE OF NEW YORK

8093

IN SENATE

March 18, 2020

Introduced by Sen. MARTINEZ -- 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 of officers in the Fire Island Pines fire department

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; the Fire Island Pines fire department may adopt a
17 resolution to hold future meetings, for nomination of chief and assist-
18 ant chiefs, on the first Saturday following Labor day; and the Fair
19 Harbor fire department may adopt a resolution to hold future meetings,
20 for nomination of the chief and assistant chiefs, on the third Sunday in
21 September. The notice or call for such meeting shall specify that such a
22 resolution will be offered to be voted upon at such meeting. If such
23 resolution is adopted, the board of fire commissioners may adopt a rule
24 or regulation providing that future meetings for the nomination of chief
25 and assistant chiefs shall be held in December, either on the first
26 Thursday, the first Saturday, the Thursday following the first Tuesday,
27 the Saturday following the first Tuesday, the Thursday following the
28 second Tuesday, the Saturday following the second Tuesday in such month,

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

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

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

42 § 2. This act shall take effect immediately.