

# STATE OF NEW YORK

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4839

2019-2020 Regular Sessions

## IN SENATE

March 27, 2019

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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:

1 Section 1. Legislative findings. 1. It is hereby found and determined  
2 that the South New Berlin Fire District, located in the town of New  
3 Berlin, Chenango County, has acted consistent with all applicable  
4 provisions of article 11 of the town law in the governance of the South  
5 New Berlin Fire District providing fire protection services in the town  
6 of New Berlin notwithstanding the failure of the district to obtain  
7 prior legislative approval to hold annual elections for district offi-  
8 cers on a date other than that specified in section 175 of the town law.  
9 2. Notwithstanding any law to the contrary, the election of any offi-  
10 cer of the South New Berlin Fire District, and all actions and  
11 proceedings of the South New Berlin Fire District and its officers taken  
12 prior to the effective date of this act are hereby legalized, validated  
13 and ratified, notwithstanding the district's failure to adhere to the  
14 provisions of section 175 of the town law that require annual elections  
15 for district officers to be held on the second Tuesday in December.  
16 Elected officers of the South New Berlin Fire District currently in  
17 office shall continue to serve in such capacity until the expiration of  
18 his or her term.  
19 § 2. Subdivision 1 of section 175 of the town law, as amended by chap-  
20 ter 334 of the laws of 2011, is amended to read as follows:  
21 1. An annual election shall be held in each fire district on the  
22 second Tuesday in December, except that in the Ocean Bay Park fire  
23 district, the Lonelyville fire district, the Davis Park fire district,  
24 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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1 Fire Island Pines fire district, Suffolk county, such annual election  
2 shall be held on the second Tuesday in July, except that in the South  
3 New Berlin fire district, Chenango county, such annual election shall be  
4 held on the second Wednesday of December, except that in the town of  
5 Salisbury, Herkimer county, such annual election shall be held on the  
6 Tuesday next succeeding the first Monday in November from six o'clock in  
7 the morning until nine o'clock in the evening and except that in the  
8 Belfast fire district, Allegany county, such annual election shall be  
9 held on the first Tuesday in December. The board of fire commissioners  
10 shall give notice thereof by the publication of a notice once in one or  
11 more newspapers having a general circulation in the district. The first  
12 publication of such notice shall be not less than twenty-seven days and  
13 not more than thirty-four days prior to the date of such election. Such  
14 notice shall specify the time when and the place where such election  
15 will be held, the officers to be elected thereat and their terms of  
16 office, and the hours during which the polls will be open for the  
17 receipt of ballots. The secretary of such fire district shall prepare  
18 the ballots for all elections of fire district officers and the polls  
19 shall remain open for the receipt thereof at all elections of fire  
20 district officers from six o'clock in the evening until nine o'clock in  
21 the evening and such additional consecutive hours prior thereto as the  
22 board of fire commissioners of such district may have determined and  
23 specified in the notice thereof. The board of fire commissioners shall  
24 designate a resident fire district elector, who shall be a registered  
25 voter of the town, to act as chairman of any election of said district  
26 and shall designate not less than two nor more than four resident fire  
27 district electors, who shall be registered voters of the town to act as  
28 election inspectors and ballot clerks at such elections. No elective  
29 officer of the fire district shall serve as such chairman or as an  
30 election inspector or ballot clerk. The board of fire commissioners may  
31 adopt a resolution providing that such chairman, election inspectors and  
32 ballot clerks shall be paid for their respective services at any such  
33 annual election or at any special election of the fire district. Such  
34 resolution, if adopted, shall fix the amount of such compensation, as  
35 follows: if the hours during which the polls will be open for the  
36 receipt of ballots are from six o'clock in the evening until nine  
37 o'clock in the evening, a sum not to exceed thirty-five dollars for each  
38 such official; if additional consecutive hours prior to six o'clock in  
39 the evening are determined and specified in the notice of election, a  
40 sum not to exceed fifty dollars for each such official.

41 § 3. This act shall take effect immediately.