

# STATE OF NEW YORK

8836

## IN SENATE

July 21, 2020

Introduced by Sen. MARTINEZ -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 second Saturday in September; and the Fair Harbor  
19 fire department may adopt a resolution to hold future meetings, for  
20 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.

LBD17020-01-0

1 the last Sunday in September in the Davis Park fire department, the  
2 second Tuesday in December in the Caton fire district, the second Satur-  
3 day in September in the Fire Island Pines fire department, or the third  
4 Sunday in September in the Fair Harbor fire department, as specified in  
5 the fire department resolution, instead of April as provided in subdivi-  
6 sion eleven-a of this section. Each nominee shall be a member of the  
7 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 on the ninetieth day after it shall  
43 have become a law.