

# STATE OF NEW YORK

---

7904

2021-2022 Regular Sessions

## IN ASSEMBLY

May 28, 2021

---

Introduced by M. of A. GANDOLFO -- read once and referred to the Committee on Local Governments

AN ACT to amend the town law, in relation to the nomination of chief and assistant chiefs in the Cherry Grove fire district

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 Cherry Grove fire department may adopt a resolution  
17 to hold future meetings, for nomination of the chief and assistant  
18 chiefs, on the third Saturday in September; and the Fair Harbor fire  
19 department may adopt a resolution to hold future meetings, for nomi-  
20 nation of the chief and assistant chiefs, on the third Sunday in Septem-  
21 ber. 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

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

LBD11144-01-1

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

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

45 § 2. This act shall take effect immediately.