

STATE OF NEW YORK

500

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. PALUMBO -- 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 permitting employees of a fire department to serve as fire chief or assistant fire chief

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 11-a of section 176 of the town law, as
2 amended by chapter 351 of the laws of 2000, is amended to read as
3 follows:
4 11-a. The members of the fire department of the fire district shall
5 meet at a time and place designated by the board of fire commissioners
6 on the Thursday following the first Tuesday in April of each year and
7 nominate persons who may be employees of the district, for the offices
8 of chief and such assistant chiefs as may be provided for in the rules
9 and regulations adopted by the board of fire commissioners. If the
10 Thursday following the first Tuesday in April falls upon a day of
11 special religious observance, the board of fire commissioners may desig-
12 nate any other weekday in April after such Thursday as the day upon
13 which to hold such meeting. Each nominee shall be a member of the fire
14 department. In addition, the board of fire commissioners may by resolu-
15 tion require that any or all of such fire department officers shall be
16 residents of the fire district. All nominations shall be made by ballot.
17 The person acting as secretary of such meeting shall promptly notify the
18 fire district secretary in writing of such nominations. The board of
19 fire commissioners at its meeting next succeeding the making of such
20 nominations shall consider the same and shall appoint such persons, who
21 may be employees of the district, to the offices to which they have been
22 respectively nominated or, if a nomination is not approved the board of
23 fire commissioners shall call another meeting of the members of the fire
24 department at which a new nomination shall be made to take the place of

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

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1 any nomination not approved, which procedure shall continue until a full
2 set of officers is approved. Any such person shall assume the duties of
3 ~~[his]~~ their office as soon as ~~[he]~~ such person has been appointed there-
4 to by the board of fire commissioners and shall serve until ~~[his]~~ a
5 successor is appointed. A person who has been convicted of arson in any
6 degree shall not be eligible for nomination, election or appointment to
7 the office of fire department chief or assistant chief. Any fire depart-
8 ment chief or assistant chief who is convicted of arson in any degree
9 during ~~[his]~~ their term of office shall be disqualified from completing
10 such term of office.

11 § 2. Subdivision 11-b of section 176 of the town law, as amended by
12 chapter 295 of the laws of 2021, is amended to read as follows:

13 11-b. The members of the fire department at a regular or special meet-
14 ing of the department held after the month of April but prior to the
15 month of November in any year may adopt a resolution recommending that
16 future meetings for the nomination of the chief and assistant chiefs be
17 held in December, either on the first Thursday, the first Saturday, the
18 Thursday following the first Tuesday, the Saturday following the first
19 Tuesday, the Thursday following the second Tuesday, or the Saturday
20 following the second Tuesday in such month, instead of April as provided
21 in subdivision eleven-a of this section. Provided, however, the Davis
22 Park fire department may adopt a resolution to hold future meetings, for
23 nomination of chief and assistant chiefs, on the last Sunday in Septem-
24 ber; the Caton fire district may adopt a resolution to hold future meet-
25 ings, for nominations of chief and assistant chiefs, on the second Tues-
26 day in December; the Cherry Grove fire department may adopt a resolution
27 to hold future meetings, for nomination of the chief and assistant
28 chiefs, on the third Saturday in September; and the Fair Harbor fire
29 department may adopt a resolution to hold future meetings, for nomi-
30 nation of the chief and assistant chiefs, on the third Sunday in Septem-
31 ber. The notice or call for such meeting shall specify that such a
32 resolution will be offered to be voted upon at such meeting. If such
33 resolution is adopted, the board of fire commissioners may adopt a rule
34 or regulation providing that future meetings for the nomination of chief
35 and assistant chiefs shall be held in December, either on the first
36 Thursday, the first Saturday, the Thursday following the first Tuesday,
37 the Saturday following the first Tuesday, the Thursday following the
38 second Tuesday, the Saturday following the second Tuesday in such month,
39 the last Sunday in September in the Davis Park fire department, the
40 second Tuesday in December in the Caton fire district, the third Satur-
41 day in September in the Cherry Grove fire department, or the third
42 Sunday in September in the Fair Harbor fire department, as specified in
43 the fire department resolution, instead of April as provided in subdivi-
44 sion eleven-a of this section. Each nominee shall be a member of the
45 fire department. In addition, the board of fire commissioners may by
46 resolution require that any or all of such fire department officers
47 shall be residents of the fire district. All nominations shall be made
48 by ballot. The person acting as secretary of such meeting shall promptly
49 notify the fire district secretary in writing of such nominations. The
50 board of fire commissioners at its organization meeting in the month of
51 January next succeeding the making of such nominations shall consider
52 the same and shall appoint such persons, who may be employees of the
53 district, to the offices to which they have been respectively nominated
54 or, if a nomination is not approved the board of fire commissioners
55 shall call another meeting of the members of the fire department at
56 which a new nomination shall be made to take the place of any nomination

1 not approved, which procedure shall continue until a full set of offi-
2 cers is approved. Any such person shall assume the duties of [~~his~~] their
3 office as soon as [~~he~~] such person has been appointed thereto by the
4 board of fire commissioners and shall serve until [~~his~~] a successor is
5 appointed. A person who has been convicted of arson in any degree shall
6 not be eligible for nomination, election or appointment to the office of
7 fire department chief or assistant chief. Any fire department chief or
8 assistant chief who is convicted of arson in any degree during [~~his~~]
9 their term of office shall be disqualified from completing such term of
10 office.

11 If the date of meetings for the nomination of chief and assistant
12 chiefs is changed from April to September or December pursuant to the
13 foregoing provisions of this subdivision, the members of the fire
14 department at a regular or special meeting of the department held after
15 the month of April but prior to the month of November in any year may
16 adopt a resolution recommending that future meetings for the nomination
17 for such officers shall be held in April pursuant to the provisions of
18 subdivision eleven-a of this section. The call for such meeting shall
19 specify that such a resolution will be offered to be voted upon at such
20 meeting. If such a resolution is adopted, the board of fire commission-
21 ers may adopt a rule or regulation providing that future meetings for
22 the nomination of chief and assistant chiefs shall be held in April
23 pursuant to the provisions of subdivision eleven-a of this section and
24 that the provisions of such subdivision eleven-a shall again become
25 applicable.

26 § 3. Subdivision 1 of section 176-a of the town law, as amended by
27 chapter 511 of the laws of 1974, is amended to read as follows:

28 1. The chief shall, under the direction of the board of fire commis-
29 sioners, have exclusive control of the members of the fire department of
30 the fire district at all fires, inspections, reviews and other occasions
31 when the fire department is on duty or parade[~~,—he~~]. The chief shall
32 also have supervision of the engines, fire trucks, pumpers, hose wagons
33 and other apparatus and of the equipment and other property used for the
34 prevention or extinguishment of fire and of all officers and employees
35 of the fire department; provided, however, that if the chief or assist-
36 ant chief is an employee of the district, the board of fire commission-
37 ers shall have supervisory authority over such chief or assistant chief
38 with regard to their duties as an employee of the district. [~~He~~] The
39 chief shall see that the rules and regulations of the board of fire
40 commissioners are observed and that the orders of the board of fire
41 commissioners are duly executed. [~~He~~] The chief shall, whenever
42 required by the board of fire commissioners, report to said board the
43 condition of the property of said fire district and such other informa-
44 tion as may be required [~~of him~~] by the board. [~~He~~] The chief shall
45 hold the members, officers and employees of the fire department strictly
46 to account for neglect of duty and may suspend them for improper
47 conduct, subject to the action of the board of fire commissioners at its
48 next meeting. In case of the disability or absence of the chief, the
49 first assistant chief, and in the case of the disability or absence of
50 both the chief and first assistant chief, the other assistants, in
51 numerical order, shall perform the duties and exercise the powers of the
52 chief. When the fire department or any company or squad thereof is on
53 duty no member of the board of fire commissioners shall interfere with
54 the duties of the chief or assistant chief.

55 § 4. This act shall take effect immediately.