§ 174. Fire district officers. 1. Whenever a fire district shall be established, within ten days thereafter the town board of the town in which such district is located or, in the case of a district including territory in two or more towns, the town boards of such towns acting jointly by a majority vote of the members of each of such town boards, shall appoint five fire district commissioners and a treasurer for such district who shall hold their respective offices until the thirty-first day of December next succeeding; provided, however, that if such district be established subsequent to the first day of October in any year, the officers so appointed by the town board shall hold office until the thirty-first day of December of the next succeeding calendar year. A person so appointed as fire district commissioner shall not serve as chief or assistant chief of the fire district fire department after taking his oath of office as such commissioner and during the time he serves as such commissioner pursuant to such appointment. The town clerk shall immediately notify the appointees of their appointment and of the time and place which he shall fix for the organization meeting of the board of fire commissioners, which meeting shall be held not later than ten days after the appointment of said officers. At such organization meeting, the treasurer shall preside until such time as a chairman of the board of fire commissioners shall be chosen, but such treasurer shall not be entitled to a vote at such meeting. The board of fire commissioners shall appoint a secretary who shall hold office until the thirty-first day of December following the first election of fire district officers.

2. The first election of fire district officers shall be held on the second Tuesday in December next succeeding the establishment or consolidation of such fire district; provided, however, that if such district be established at a time subsequent to the first day of October in any year, the first election of fire district officers shall be held on the second Tuesday in the month of December of the next succeeding calendar year. At the first annual election of fire district officers, five district commissioners shall be elected and a treasurer. Every registered fire district voter shall be entitled to cast one vote for each vacant position on a board of fire commissioners to be filled in the first annual election of fire district officers. The person

receiving the greatest number of votes for the office of fire commissioner shall be elected for a term of five years; the person receiving the second highest number of votes shall be elected for a term of four years; the person receiving the third highest number of votes shall be elected for a term of three years; the person receiving the fourth highest number of votes shall be elected for a term of two years and the person receiving the fifth highest number of votes shall be elected for a term of one year. In the event that two persons shall receive the same number of votes the terms of office shall be decided by lot. At each subsequent election of fire district officers a commissioner shall be elected for the full term of five years. In the event that two or more persons receive the same number of votes thereat, a special election between the tying parties receiving the highest number of votes to fill the vacancy shall be held within forty-five days after such election. The fire district treasurer shall be elected for a term of three years. The fire district secretary shall be appointed by the fire district commissioners and shall serve for a period of one year. The fire district secretary in office at the time such election is held shall immediately notify the officers elected of their election and that an organization meeting will be held on the day specified in said notice, which shall not be later than the fifteenth day of January next ensuing. At such organization meeting, the treasurer shall preside until such time as a chairperson of the board of fire commissioners shall be chosen, but such treasurer shall not be entitled to a vote at such meeting.

2-a. The fire district commissioners may adopt a resolution establishing the office of director of purchasing and appoint a director of purchasing who shall serve for a term, not to exceed five years, to be fixed by the fire district commissioners. If the fire district commissioners so determine, the duties of the director of purchasing may be combined with the duties of any other fire district officer or employee except members of the board of fire district commissioners and the fire district treasurer. The fire commissioners of any fire district in which the office of director of purchasing shall have been established may adopt a resolution abolishing such office, and upon the expiration of the term of office of the incumbent or such other time as

may be set forth in the resolution, such office shall be abolished and no successor shall be appointed.

3. The fire district commissioners shall receive no compensation for their services, but a commissioner acting as secretary of the fire district may be compensated. The fire district secretary shall receive such compensation as the fire district commissioners may determine, but if the secretary be a member of the board of fire commissioners his compensation shall be fixed by the other members of the board. The fire district treasurer and the director of purchasing, when such office has been established, shall receive such compensation as the fire district commissioners may determine. Each fire district treasurer, each secretary in fire districts having a separate secretary, and each director of purchasing, when such office has been established, shall before entering upon the duties of his office take the constitutional oath of office and file the same with the town clerk of the town or one of the towns in which such fire district is located. The treasurer of each fire district shall before entering upon the duties of his office, execute and file with the town clerk of the town or one of the towns in which such fire district is located, an official undertaking, conditioned for the faithful performance of his duties and that he will and truly keep, pay over and account for all moneys of the fire district coming into his hands as treasurer of the fire district. The undertaking shall be in such form, in such sum and with such sureties as the fire commissioners shall direct and approve and such approval shall be indicated upon such undertaking. The fire commissioners of any fire district may require the director of purchasing, when such office has been established, before entering upon the duties of that office, to execute and file with the town clerk of the town or one of the towns in which such fire district is located, an undertaking, conditioned for the faithful performance of his duties and for a due accounting of all property that may come under his care, custody and control. Such undertaking shall be in such form, in such sum and with such sureties as the fire commissioners shall direct and approve and such approval shall be indicated upon such undertaking.

4. The fire district treasurer or any commissioner of the fire

district, whenever so appointed, may also act as fire district secretary. When the position of fire district treasurer or fire district secretary is appointive, and in the case of the director of purchasing, when such office has been established, and if no qualified resident of the district is willing to perform the duties of fire district treasurer, fire district secretary or director of purchasing, a person who is a nonresident of such fire district may be appointed as fire district treasurer, fire district secretary or director of purchasing. A person shall not hold the offices of fire district commissioner and fire district treasurer at the same time. A person shall not hold the office of fire district commissioner and the office of chief or assistant chief of the fire department of the fire district at the same time.

Notwithstanding any inconsistent provision of law, a person who is a fire district commissioner, may, if he is otherwise qualified, be a candidate for nomination, and may be nominated by the fire district fire department, for the office of chief or any assistant chief of the fire department, but only if such commissioner has filed with the fire district secretary at least five days, but not more than ten days, before the meeting of the fire department at which any such nomination would be made a written notice that he will be a candidate for such nomination. If a fire district commissioner is a candidate for nomination for any such office in the fire department and he is duly nominated for such office at a meeting of the fire department, he shall forthwith cease to be a fire district commissioner and his office as such commissioner shall thereupon become vacant. If a fire district commissioner is a candidate for nomination for any such office in the fire department and he is defeated for such nomination at the meeting of the fire department, he shall not participate in any vote of the board of fire commissioners in relation to the appointment of the successful nominee to the office for which such commissioner and such successful nominee were opposing candidates.

Notwithstanding any inconsistent provision of law, a person who is the chief or an assistant chief of the fire district fire department, if he is otherwise qualified, may be elected to the office of fire district commissioner or may be appointed to the office of fire district

commissioner to fill a vacancy and, if he is so elected or appointed, his office as chief or assistant chief, as the case maybe, shall become vacant upon his taking his oath of office as fire district commissioner.

5. A person who has been convicted of arson in any degree shall not be eligible for nomination, election or appointment to the office of fire district commissioner or fire district officer.

6. Each commissioner of a fire district before entering upon the duties of his office, shall take the constitutional oath of office and file the same with the town clerk of the town or one of the towns in which such fire district is located.

7. A fire district is a political subdivision of the state and a district corporation within the meaning of section three of the general corporation law. The officers and employees of a fire district, including the paid and volunteer members of the fire department thereof, are officers and employees of such fire district and are not officers or employees of any other political subdivision.