§ 176. Powers and duties of fire district commissioners. Subject to law and the provisions of this chapter, the fire district commissioners of every fire district shall constitute and be known as the board of fire commissioners of such fire district. Such board of fire commissioners

1. Shall elect one of their members as chairman at the first meeting of fire commissioners after such district shall have been established and annually thereafter at the first meeting thereof following each election of fire district officers. Such chairman, when present, shall preside at the meetings of the board of fire commissioners. In the absence of the chairman the other members may designate one of their members to act as temporary chairman.

2. Shall appoint a fire district secretary.

2-a. May, notwithstanding the provisions of subdivision two of section one hundred seventy-four of this chapter, provide by resolution that a proposition shall be submitted at any annual fire district election, other than one at which a fire district treasurer is required to be elected, determining that the office of fire district treasurer shall be an appointive office in such district. If such proposition be approved at such election, the office of fire district treasurer shall thereafter be an appointive office in such district and no fire district treasurer shall be elected at the expiration of the term of office of the incumbent elected fire district treasurer. The board of fire commissioners at its organization meeting shall annually appoint a fire district treasurer to hold office until the thirty-first day of December next succeeding his appointment. In any fire district in which the office of fire district treasurer has been made appointive, the fire district commissioners shall designate one of their members to act as temporary chairman at the organization meeting each year until such time as a chairman of the board of fire commissioners shall be chosen.

In any fire district in which the office of appointed fire district treasurer may exist, the board of fire commissioners may provide by resolution that a proposition shall be submitted at any annual fire

district election determining that the office of fire district treasurer shall be an elective office in such district. If such proposition be approved at such election, the office of fire district treasurer shall thereafter be an elective office in such district and a fire district treasurer shall be elected at the next succeeding annual fire district election in accordance with the provisions of subdivision two of section one hundred seventy-four of this chapter and the term of office of the appointive fire district treasurer for whom such successor shall be elected shall expire on the thirty-first day of December next succeeding such annual fire district election.

3. Whenever a vacancy shall occur in any fire district office, the board of fire commissioners of such district, or a majority of the members thereof in office may appoint a qualified person to fill the vacancy. If the appointment be made to fill a vacancy in an appointive office, the person so appointed shall hold office for the remainder of the unexpired term. If the appointment be made to fill a vacancy in an elective office, the person so appointed shall hold office until the thirty-first day of December next succeeding the first annual fire district election held thereafter and at such election a successor shall be elected for the unexpired portion of the term beginning on the first day of January next succeeding. If a vacancy shall occur in any elective fire district office after the first day of October in any year, the person so appointed to fill the vacancy shall hold office until the thirty-first day of December of the following calendar year and a successor shall be elected at the annual fire district election held immediately prior thereto to serve for the unexpired portion of the term; provided, however, that if a vacancy so occurs in any elective fire district office, the term of which would expire on the thirty-first day of December next succeeding, the person so appointed shall hold office only until such thirty-first day of December.

4. Shall require the fire district treasurer, before entering upon the duties of his office, to give an official undertaking, conditioned for the faithful performance of his duties and that he will well and truly keep, pay over and account for all moneys and property belonging to the fire district and coming into his hands as such treasurer, in such form,

in such sum and with such sureties as the board of fire commissioners shall direct and approve and such approval shall be indicated upon such undertaking, and when approved such undertaking shall be filed in the office of the town clerk of the town in which such fire district is located. If such district is situated in more than one town, a duplicate original of such undertaking, approved by the board of fire commissioners, shall be filed in the office of the town clerk of each town in which such district is located. The fire district commissioners may by resolution determine that such undertaking shall be executed by a surety company authorized to transact business in the state of New York and that the expense thereof shall be a charge on the fire district.

4-a. Shall audit all claims against the fire district and shall, by resolution, order the payment thereof by the fire district treasurer in the amounts allowed. Except as otherwise provided by this subdivision, no such claim shall be audited or ordered paid by the board of fire commissioners unless an itemized voucher therefor, in such form as the board of fire commissioners shall prescribe, shall have been presented to the board of fire commissioners for audit and allowance. The board of fire commissioners may provide by resolution that no such claims may be presented, audited or paid unless they be either verified under oath, or, in lieu of such verification, certified, to be true and correct in a statement signed by or on behalf of the claimant. The provisions of this subdivision shall not be applicable to claims for the payment of fixed salaries, compensation for services of officers or employees regularly engaged by the fire district at agreed wages by the hour, day, week, month or year unless so required by resolution of the board of fire commissioners adopted at the organization meeting in the month of January, the principal of or interest on obligations issued by the fire district, fixed amounts becoming due on lawful contracts for the purchase of water for fire protection, and amounts which the fire district may be required to pay to the state employees' retirement system on account of contributions for past and current services of firefighters. The board of fire commissioners may, further, by resolution authorize the payment in advance of audit of claims for light, telephone, postage, freight and express charges. All such claims shall be presented at the next regular meeting for audit, and the

claimant and the officer incurring or approving the same shall be jointly and severally liable for any amount disallowed by the board of fire commissioners.

4-b. Any fire commissioner, secretary or treasurer of a fire district may administer any necessary oath in any matter or proceeding lawfully before him, or in connection with any paper to be filed with him as such officer.

4-c. Notwithstanding the provisions of subdivision four-a of this section, may by resolution establish a petty cash fund for the fire district treasurer for the payment, in advance of audit, of properly itemized and verified or certified bills for materials, supplies or services furnished to the fire district for the conduct of its affairs and upon terms calling for payment to the vendor upon the delivery of any such materials or supplies or the rendering of any such services. The amount of such petty cash fund shall not exceed two hundred fifty dollars. At the time of any payment from such fund, the treasurer shall require delivery to him of a bill in form sufficient for audit by the board of fire commissioners as required by law. At each meeting of the board of fire commissioners a list of all expenditures made from such fund since the last meeting of the board, together with the bills supporting such expenditures, shall be presented by the treasurer to the board of fire commissioners for audit. The board of fire commissioners shall direct the treasurer to reimburse such petty cash fund from the appropriate budgetary item or items, in an amount equal to the total of such bills which it shall so audit and allow. Any of such bills or any portion of such bills which the board of fire commissioners shall refuse to audit and allow shall be the personal liability of the treasurer and he shall promptly reimburse such petty cash fund in the amount of such disallowances. If such reimbursement has not been made by the time of the first payment of salary to the treasurer after the action of the board of fire commissioners in disallowing an amount so expended, such amount shall be withheld from such salary payment to the treasurer and, if necessary, subsequent salary payments and paid into such petty cash fund until an amount equal to the amount so disallowed in the audit of the board of fire commissioners has been repaid to the petty cash fund.

Any bond or undertaking filed by the treasurer shall be available to the fire district for recovery of any losses incurred by reason of the operation of such petty cash fund.

5. Shall cause a map to be prepared showing the exact boundaries of the fire district. If such map indicates boundary lines that are contiguous with an adjacent fire district or fire districts, then such adjacent fire district or fire districts shall be given written notice, by certified mail, return receipt requested, addressed to the secretary of such fire district, of the intention to file a fire district map, together with a copy of such map. Such notice shall be sent by the secretary of the fire district preparing such map. If an adjacent fire district objects to the location of a boundary line affecting such adjacent fire district, then within forty-five days of the receipt of such notification and map, such objections shall be filed with the fire district secretary of the fire district proposing such map and with the town clerk of each town in which any part of such fire district is located. If such map does not indicate any boundary lines contiguous with an adjacent fire district or fire districts, then a certified copy of such map shall be filed by the secretary of the fire district with the town clerk of each town in which any part of the fire district is located for approval by the town board and, when so approved and filed by the secretary of the fire district, in the office of the town clerk and filed by the secretary of the fire district in the office of the county clerk in which said fire district or any part thereof shall be located, shall constitute presumptive evidence of the boundaries of the fire district. If such map indicates any boundary lines that are contiguous with an adjacent fire district, such map shall be submitted by the secretary of the fire district to the town clerk of each town in which any part of the fire district is located, together with proof of service upon such adjacent fire district or fire districts of such proposed map, and that more than forty-five days have elapsed since such service was made. In addition, if objections have been filed, then a verified statement either amending the proposed map to meet such objections or denying such objection in whole or in part, shall also be filed. If the objections are denied, the town board in which town such disputed boundary line is located shall, within thirty days after the

submission of all proofs, objections and denials, cause the town engineer, if there be one, or, if not, hire a licensed land surveyor, to survey the boundary line or lines. If the disputed line or lines lie in more than one town, the town boards, acting jointly by a majority vote of the members of each such town shall determine which town engineer or licensed land surveyor shall survey the boundary line or lines. The cost of this survey, if any, shall be borne equally by the fire districts involved. Upon receipt by the town board or town boards of the survey of the disputed boundary line or lines, each involved fire district shall be immediately notified by the town clerk or town clerks. If no objections are served upon the town clerk or clerks by adjacent fire districts within sixty days of receipt of such notification or the boundary line or lines have been adjusted to meet objections, then thereafter and within twenty days, the town board or town boards if one disputed line or lines lie in more than one town shall cause a public hearing to be held, at which hearing owners of real property in the affected area shall be given an opportunity to be heard. Upon the conclusion of said public hearing, the town board shall determine the disputed line or lines, and if the disputed line or lines lie in more than one town, the town boards acting jointly by a majority vote of the members of each such town board shall determine the disputed line or lines and a copy of such map, as finally approved by the town board or town boards, shall be filed in the office of the town clerk or clerks and certified copy shall be filed in the office of the county clerk in which said fire district or any part thereof shall be located. Such map shall then constitute presumptive evidence of the boundaries of the fire district. The town clerk shall notify each affected fire district of the filing of such map in such town clerk's office or offices and in the office of the county clerk. The town clerk or clerks shall also publish a notice of the filing of said map in the official paper of the town or towns. Any fire district believing itself aggrieved or aggrieved property owner may within thirty days of receipt of notification or publication commence an appropriate proceeding in the supreme court of the state of New York, in accordance with article seventy-eight of the civil practice law and rules, naming the involved fire district and the town board or boards as respondents. All fire district maps heretofore approved by the town board of each town in which any part of the fire

district is located and which map was filed in the office of the clerk of each town in which said fire district is located and filed in the office of the county clerk in which said fire district or any part thereof is located, prior to the first day of January, nineteen hundred eighty-one, shall continue to be presumptive evidence of the boundaries of such fire district.

6. Shall give notice of annual elections in the manner provided in this article.

7. Shall require that candidates for district offices file their names with the secretary of the fire district at least twenty days prior to the date of such fire district elections and in addition may provide by resolution that such nominations be submitted in petition form subscribed by twenty-five qualified voters of the district. Thereafter the ballots prepared for the election of fire district officers shall specify the names of the candidates duly filed and in addition provide proper blank spaces for each office to be filled at such election. If any such resolution shall be adopted, the requirements thereof shall be specified in the notice of each fire district election held thereafter. The board of fire commissioners may rescind such resolution at any time and thereafter fire district officers shall be elected as otherwise provided herein.

8. Shall appoint officials for fire district elections as provided in section one hundred seventy-five of this chapter and may provide for their compensation pursuant to such section.

9. Shall have the power to make any and all contracts for the purposes herein authorized within the appropriations approved by the taxpayers of the district or within the statutory limitations specified herein.

10. May organize, operate, maintain and equip fire companies, including the purchase of uniforms to be used by the members of such companies, and provide for the removal of such members for cause.

11. May adopt rules and regulations governing all fire companies and

fire departments in said district and prescribing the duties of the members thereof and enforce discipline and provide for public drills, parades, funerals, inspections and reviews of the fire district fire department, or any company or unit thereof, within the fire district or at other places within the state, any adjoining state or in Canada. Such rules and regulations shall not authorize any member of the board of fire commissioners to interfere with the duties of the chief or assistant chief at such times as the fire department or any company or squad thereof is on duty.

11-a. The members of the fire department of the fire district shall meet at a time and place designated by the board of fire commissioners on the Thursday following the first Tuesday in April of each year and nominate persons for the offices of chief and such assistant chiefs as may be provided for in the rules and regulations adopted by the board of fire commissioners. If the Thursday following the first Tuesday in April falls upon a day of special religious observance, the board of fire commissioners may designate any other weekday in April after such Thursday as the day upon which to hold such meeting. Each nominee shall be a member of the fire department. In addition, the board of fire commissioners may by resolution require that any or all of such fire department officers shall be residents of the fire district. All nominations shall be made by ballot. The person acting as secretary of such meeting shall promptly notify the fire district secretary in writing of such nominations. The board of fire commissioners at its meeting next succeeding the making of such nominations shall consider the same and shall appoint such persons to the offices to which they have been respectively nominated or, if a nomination is not approved the board of fire commissioners shall call another meeting of the members of the fire department at which a new nomination shall be made to take the place of any nomination not approved, which procedure shall continue until a full set of officers is approved. Any such person shall assume the duties of his office as soon as he has been appointed thereto by the board of fire commissioners and shall serve until his successor is appointed. 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 department chief or assistant chief. Any fire department chief or

assistant chief who is convicted of arson in any degree during his term of office shall be disqualified from completing such term of office.

11-b. The members of the fire department at a regular or special meeting of the department held after the month of April but prior to the month of November in any year may adopt a resolution recommending that future meetings for the nomination of the chief and assistant chiefs be held in December, either on the first Thursday, the first Saturday, the Thursday following the first Tuesday, the Saturday following the first Tuesday, the Thursday following the second Tuesday, or the Saturday following the second Tuesday in such month, instead of April as provided in subdivision eleven-a of this section. Provided, however, the Davis Park fire department may adopt a resolution to hold future meetings, for nomination of chief and assistant chiefs, on the last Sunday in September; the Caton fire district may adopt a resolution to hold future meetings, for nominations of chief and assistant chiefs, on the second Tuesday in December; the Cherry Grove fire department may adopt a resolution to hold future meetings, for nomination of the chief and assistant chiefs, on the third Saturday in September; and the Fair Harbor fire department may adopt a resolution to hold future meetings, for nomination of the chief and assistant chiefs, on the third Sunday in September. The notice or call for such meeting shall specify that such a resolution will be offered to be voted upon at such meeting. If such resolution is adopted, the board of fire commissioners may adopt a rule or regulation providing that future meetings for the nomination of chief and assistant chiefs shall be held in December, either on the first Thursday, the first Saturday, the Thursday following the first Tuesday, the Saturday following the first Tuesday, the Thursday following the second Tuesday, the Saturday following the second Tuesday in such month, the last Sunday in September in the Davis Park fire department, the second Tuesday in December in the Caton fire district, the third Saturday in September in the Cherry Grove fire department, or the third Sunday in September in the Fair Harbor fire department, as specified in the fire department resolution, instead of April as provided in subdivision eleven-a of this section. Each nominee shall be a member of the fire department. In addition, the board of fire commissioners may by resolution require that any or all of such fire department officers

shall be residents of the fire district. All nominations shall be made by ballot. The person acting as secretary of such meeting shall promptly notify the fire district secretary in writing of such nominations. The board of fire commissioners at its organization meeting in the month of January next succeeding the making of such nominations shall consider the same and shall appoint such persons to the offices to which they have been respectively nominated or, if a nomination is not approved the board of fire commissioners shall call another meeting of the members of the fire department at which a new nomination shall be made to take the place of any nomination not approved, which procedure shall continue until a full set of officers is approved. Any such person shall assume the duties of his office as soon as he has been appointed thereto by the board of fire commissioners and shall serve until his successor is appointed. 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 department chief or assistant chief. Any fire department chief or assistant chief who is convicted of arson in any degree during his term of office shall be disqualified from completing such term of office.

If the date of meetings for the nomination of chief and assistant chiefs is changed from April to September or December pursuant to the foregoing provisions of this subdivision, the members of the fire department at a regular or special meeting of the department held after the month of April but prior to the month of November in any year may adopt a resolution recommending that future meetings for the nomination for such officers shall be held in April pursuant to the provisions of subdivision eleven-a of this section. The call for such meeting shall specify that such a resolution will be offered to be voted upon at such meeting. If such a resolution is adopted, the board of fire commissioners may adopt a rule or regulation providing that future meetings for the nomination of chief and assistant chiefs shall be held in April pursuant to the provisions of subdivision eleven-a of this section and that the provisions of such subdivision eleven-a shall again become applicable.

11-c. May adopt a resolution to employ paid firefighters and paid fire officers including but not limited to a paid chief of the fire district

department, provide for their powers and duties, determine the chain of command in the fire department as between volunteer and paid firefighters, determine that paid chief and/or any other paid officers shall have charge of apparatus and other equipment, and determine that the volunteer firefighters and volunteer officers of the fire department shall act under the orders and control of such paid fire officers. The board of fire commissioners may adopt a resolution to appoint a paid chief of the fire district department only after holding a public hearing prior to adopting such resolution. The notice of such hearing shall be published and posted and such hearing shall be held in the manner provided in section one hundred seventy-one of this article for a hearing upon the establishment of a fire district. The notice shall state the reason for the hearing including but not limited to the proposed employment of and proposed salary for the paid chief.

12. May contract for a supply of water and for the furnishing, erection, maintenance, care and replacement of fire hydrants, including the erection and maintenance of markers therefor, and removal of snow and ice to provide access thereto, for fire purposes for a period not exceeding five years without any appropriation vote therefor by the qualified voters of such district.

12-a. In order to provide a supply of water for firefighting purposes for any area of a fire district which does not have an adequate and available supply or which cannot be suitably supplied by contract pursuant to subdivision twelve of this section, (1) may purchase permanent or temporary rights to take water from cisterns, wells, and bodies of water and water-courses within the fire district, or may lease such rights, and (2) may purchase, construct or lease, and maintain, fire suction pools in bodies of water and water-courses, fire cisterns and fire wells, including necessary pipes, pumps, hydrants and other facilities in connection therewith, and may purchase and lease necessary real property and rights in land and water therefor. The water and improvements shall be used for fire-fighting purposes only and the water shall not be sold. The fire suction pools, fire cisterns and fire wells shall be fenced or covered to prevent trespass by children and domestic animals. Any such improvement shall be located upon real property within

the fire district which is owned or leased by the fire district or upon which an easement has been acquired by the fire district, except such portions of the improvement which are located within the bounds of public highways, roads or streets with the consent of the state or local official charged with the supervision of the highway, road or street. The board of fire commissioners may purchase insurance to protect the fire district from liability for damage to persons or property resulting from the maintenance of any such improvement by the fire district. If, after proceeding pursuant to this subdivision, an adequate and available supply of water for fire-fighting purposes becomes available for such area or if a suitable supply may be obtained therefor by contract pursuant to subdivision twelve of this section, the fire district, nevertheless, may continue to act pursuant to this subdivision.

13. May purchase or lease apparatus and equipment for the extinguishment and the prevention of fires and for the purposes of emergency rescue and first aid and fire police squads.

14. For the preservation, protection and storing of fire apparatus and equipment and for the social and recreational use of the firefighters and residents of the district and for any of the purposes authorized by law, may acquire by purchase, lease, gift, devise or by condemnation, real property and erect, construct, alter, repair and equip suitable buildings, and may furnish necessary supplies for such purposes, and may lease portions thereof not required for fire district purposes. All real property required by any fire district for any purpose authorized by this article shall be deemed to be required for public use and may be acquired by such fire district.

15. May construct and maintain an adequate fire alarm system in said district.

16. May contract to provide outside of the fire district (1) fire protection, (2) emergency service in case of accidents, calamities or other emergencies, or (3) general ambulance service pursuant to the provisions of section two hundred nine-b of the general municipal law, upon such terms as the board of fire commissioners may determine proper,

provided that such service can be supplied without undue hazard to the fire district furnishing the service. Whenever the fire department or fire company of a fire district provides any such service to outside territory pursuant to a contract, as aforesaid, the board of fire commissioners of such fire district may pay to the fire department of such fire district, or to any fire company or companies of such fire district, performing the service, such portion of the contract price as such board may deem proper, but not in any event to exceed thirty-five per centum of such contract price. The amount received pursuant to any such contract may be expended without being included in the amount that may be expended annually without the adoption of a proposition therefor as provided in subdivision numbered eighteen of this section and in section one hundred seventy-nine of this chapter.

17. May employ an attorney to counsel and assist in the discharge of its official duties and give it such professional services as it may require in conducting or defending any action or legal proceedings. If the town attorney shall be so employed he shall receive, in addition to his salary as town attorney, such compensation from the fire district as shall be agreed upon between the commissioners of the fire district and such town attorney, notwithstanding the provisions of section twenty-seven of this chapter.

18. May, without the adoption of a proposition, expend from the fire district revenues for any fiscal year amounts appropriated for

(1) the payments under contracts made pursuant to subdivisions twelve and twenty-two of this section,

(2) the payments required under a lease to provide a supply of water for fire fighting purposes entered into pursuant to subdivision twelve-a of this section,

(3) the payment of the principal of and interest on bonds, bond anticipation notes and capital notes issued by the fire district, and budget notes issued pursuant to the provisions of subdivisions five, six and seven of paragraph a of section 29.00 of the local finance law, and interest on tax anticipation notes issued pursuant to the provisions of paragraphs c-1 and c-2 of section 24.00 of the local finance law,

(4) the compensation of paid fire district officers, fire department

officers, firefighters and other paid personnel of the fire department,

(5) contributions to the New York state employees' retirement system and the New York state and local police and fire retirement system on account of past and current services of paid fire district officers and employees, including the paid officers, firefighters and other personnel of the fire department,

(6) an assessment, charge, share or other payment required to be paid as the result of the participation by the fire district in any county self-insurance plan under article five of the workmen's compensation law,

(7) the cost of insurance secured to indemnify the fire district against liability for benefits or compensation required to be paid or furnished under or pursuant to the volunteer firefighters' benefit law and workers' compensation law, or for the payment of the benefits or compensation required to be paid or furnished under or pursuant to such laws by a fire district which is a self-insurer under such laws, to the extent that such benefits and compensation have not been recovered in such fiscal year under section twenty of the volunteer firefighters' benefit law or section twenty-nine of the workers' compensation law,

(7-a) the payment required annually to fund service awards to volunteer firefighters made pursuant to article eleven-A of the general municipal law,

(8) the cost of blanket accident insurance purchased under the provisions of section four thousand two hundred thirty-seven of the insurance law to insure volunteer firefighters against injury or death resulting from bodily injuries sustained by such firefighters in the performance of their duties,

(9) medical, surgical, hospital or other care or treatment and medical inspections required in connection with the disability of paid fire department personnel pursuant to section two hundred seven-a of the general municipal law, to the extent, if any, that such charges will not be paid by an insurance carrier or county self-insurance plan under the workmen's compensation law or have not been recovered in such fiscal year under such section two hundred seven-a or under section twenty-nine of the workmen's compensation law,

(10) employer's contributions for old age and survivors insurance coverage under article three of the retirement and social security law,

(11) the payment of the principal of and interest on indebtedness evidenced by tax anticipation notes issued pursuant to subdivision one of paragraph d of section 24.00 of the local finance law in relation to newly-created fire districts under subdivision twenty-six of this section, and

(12) the payment of compromised claims and judgments under subdivisions twenty-eight and thirty of this section;

(13) the cost of insurance secured to indemnify the fire district against liability arising out of the ownership, use or operation of motor vehicles owned by the fire district; and

(14) the payment of monetary rewards pursuant to subdivision thirty-one of this section.

(15) the cost of fuel for the fire district emergency vehicles, including fuel tax carry-overs.

(16) the cost of audits required pursuant to section one hundred eighty-one-a of this article.

(17) the cost of insurance secured to indemnify the fire district against liability for benefits required to be paid or furnished pursuant to the enhanced cancer disability benefit established in section two hundred five-cc of the general municipal law, or for the payment of benefits required to be paid or furnished pursuant to such law by a fire district which is a self-insurer under such law.

In addition to such expenditures, the board of fire commissioners of any fire district may, without the adoption of a proposition therefor, expend from the first district revenues for any fiscal year for purposes authorized by or pursuant to law not to exceed two thousand dollars and in districts having a full valuation of real property taxable for fire district purposes in excess of one million dollars an additional amount equivalent to one mill for each dollar of full valuation of taxable real property in excess of the first million dollars of full valuation of such taxable real property. Such full valuation shall, for the purposes of this subdivision, be computed by dividing the assessed valuation of the real property subject to taxation by the fire district, as shown on the assessment roll for the fire district which was completed in the second calendar year prior to that in which the expenditure is to be made, by the town equalization rate established for such roll by the state board of equalization and assessment. Where, in the case of a

newly-created fire district, there is no such completed assessment roll for such fire district, full valuation shall be determined from the assessment roll upon which the real property included within the district was assessed for town purposes and which was completed in the second calendar year prior to that in which the expenditure is to be made. In any fire district the foregoing limitations provided in this subdivision may be exceeded if a proposition has been adopted pursuant to paragraph (d) of subdivision one of section one hundred seventy-nine of this chapter.

The foregoing limitations on expenditures shall not be applicable to the proceeds of a contract for fire department services entered into pursuant to the provisions of subdivision sixteen of this section and such proceeds may be expended for purposes authorized by or pursuant to law.

The foregoing limitations on expenditures shall not be applicable to appropriations to or expenditures from a repair reserve fund, contingency and tax stabilization reserve fund, capital reserve fund, debt stabilization fund, workers' compensation reserve fund, mandatory reserve fund, unemployment insurance reserve fund or liability and casualty reserve fund established pursuant to sections six-d, six-e, six-g, six-h, six-j, six-l, six-m and six-n of the general municipal law, or to the use of the income and capital gains realized on the investments of the assets of such funds.

The foregoing limitations on expenditures shall not be applicable to the use of premiums from the sale of fire district obligations, the unexpended portion of the proceeds of fire district obligations, the income and capital gains realized on the temporary investment of the proceeds, inclusive of premiums, of fire district obligations, as provided in section 165.00 of the local finance law.

The foregoing limitations on expenditures shall not be applicable to the use of the proceeds of a gift or gifts given to a fire district, and such proceeds may be expended for purposes authorized by or pursuant to law.

The provisions of this subdivision shall not be deemed to prevent the issuance of bonds, bond anticipation notes, capital notes or budget notes to finance any object or purpose for which the fire district may expend money.

The foregoing limitation on expenditures shall not be applicable to the use of insurance proceeds received for the loss, theft, damage or destruction of real or personal property when proposed to be used or applied to repair or replace such property. Such proceeds may be appropriated by resolution of the board of fire commissioners at any time for such objects and purposes.

The foregoing limitation on expenditures shall not be applicable to contributions to the state's unemployment insurance fund on account of salaries paid to fire district officers and employees, including the paid officers, firefighters and other personnel of the fire department.

18-a. May employ such persons as may be necessary to effectuate the objects and purposes of the district. Persons may be employed as paid firefighters, however, only after a public hearing in relation to such employment. Any such hearing shall be held by the board of fire commissioners and the notice of the hearing shall state the time when and place in the district where the hearing will be held, the number of paid firefighters to be employed and the total annual amount to be spent for the salaries or other compensation of such firefighters. The notice shall be published in the official newspaper of the district at least once not more than twenty nor less than ten days before the hearing.

19. Shall have the exclusive management and control of the property of the fire district and may insure the same against loss or damage from any risk whatsoever and may contract at the expense of the district for insurance indemnifying the district, its officers, agents, employees and the members of all fire companies against any loss arising from injuries to persons or property through the operation and maintenance of such fire district and the performance of the duties thereof and insure the members of the fire department of the district against injury or death

in the performance of their duties, or both.

20. May grant or withhold its consent to the formation of a fire corporation which intends to operate within the territory of such fire district, pursuant to subdivision (f) of section four hundred four of the not-for-profit corporation law.

21. Shall have and exercise all the powers conferred upon the fire district and such additional powers as shall be necessarily implied therefrom.

22. (a) May contract for the furnishing of fire protection within the fire district with any city, village, fire district, or incorporated fire company having its headquarters outside such fire district and maintaining adequate and suitable apparatus and appliances for the furnishing of fire protection in such district; provided there is no fire company maintaining its headquarters in said district or provided the fire department of said district is, in the judgment of such fire commissioners, unable to render adequate and prompt fire protection to such district or any area thereof. The contract also may provide for the furnishing of (i) emergency service in case of accidents, calamities or other emergencies in connection with which the services of firefighters would be required and (ii) general ambulance service subject, however, to the provisions of section two hundred nine-b of the general municipal law. In the event that the fire department or fire company furnishing fire protection within the district pursuant to contract does not maintain and operate an ambulance and provision has not otherwise been made for ambulance service for the area of the district pursuant to section one hundred twenty two-b of the general municipal law then a separate contract may be made for the furnishing within the district of emergency ambulance service or general ambulance service, or both, with any city, village or fire district the fire department of which, or with an incorporated fire company having its headquarters outside the district which, maintains and operates an ambulance subject, however, in the case of general ambulance service, to the provisions of section two hundred nine-b of the general municipal law.

(b)(i) Except as provided in subparagraph (ii) of this paragraph,

prior to commencing the negotiation process for such contract with an incorporated fire company, the incorporated fire company shall file with the board of fire commissioners a statement itemizing the estimated costs of the incorporated fire company attributable to the provision of services under the prospective contract. The estimated costs attributable to the provision of services under the prospective contract itemized in the statement shall include, at a minimum, those, if any, for: supplies; materials; operation, maintenance and repair of equipment and apparatus; insurance; training; protective clothing, gear and other personnel costs; building rental, maintenance and operation; and a specified proportionate share of capital costs. If the fire company is required to prepare any of the following documents, copies shall be included with the statement:

(1) the fire company's most recent annual report of directors pursuant to section five hundred nineteen of the not-for-profit corporation law;

(2) the fire company's most recent verified certificate pursuant to subdivision (f) of section fourteen hundred two of the not-for-profit corporation law;

(3) the fire company's most recent internal revenue service form 990; and

(4) the fire company's most recent annual report pursuant to section thirty-a of the general municipal law.

(ii) The provisions of subparagraph (i) of this paragraph shall not apply to the renewal of a contract when the contract is deemed renewed in accordance with paragraph (e) of this subdivision. Upon good cause shown, the board of fire commissioners may, by resolution, waive in whole or in part the requirement that the fire company file the statement, and copies of documents, required by subparagraph (i) of this paragraph.

(c) The contract shall not be entered into until a public hearing has been held by the board of fire commissioners. Notice of the hearing shall be published at least once in at least one newspaper having general circulation in the district. The notice shall specify the time when and place where the hearing will be held, and describe in general terms the proposed contract. The first publication thereof shall be at least ten days prior to the day specified for the hearing.

(d) Except as hereinafter provided, the term of the contract shall be

for a definite period of time, but in no event shall the term exceed five years. The contract year or years in all such contracts entered into after the year nineteen hundred sixty shall terminate on December thirty-first.

(e) Instead of being for a definite term as hereinabove provided, the contract may be for an original term of one calendar year or less and provide that it shall be deemed renewed on the same basis each year thereafter for a further term of one full calendar year without any further public hearing unless one of the contracting parties shall notify the other in writing on or before the first day of August that it elects to terminate the contract on December thirty-first in that year. The term of any such contract, including renewals, shall not exceed five years, but the contract may provide that there shall be less than four such renewals. If the city, village or fire district fire department or fire company which is to furnish the service under such a contract is not a fully paid department or company, the city, village or fire district governing board upon the request of the department or company, shall terminate the contract as provided in this paragraph. Any contract entered into pursuant to this paragraph may provide that in the month of July of each year in which such a renewal could occur the fire district secretary shall notify the secretary of the fire department or fire company which is to furnish the service under the contract that the contract shall be deemed renewed on the same basis for a further full term of one calendar year unless one of the contracting parties shall notify the other in writing on or before the first day of August that it elects to terminate the contract on December thirty-first in such year.

(f) The contract shall specify a definite sum to be paid each year for all of the services to be rendered thereunder and may provide that such amount shall be paid in one sum or in installments.

(g) By mutual consent of the contracting parties, and after a public hearing held pursuant to notice in the manner aforesaid, any such contract heretofore or hereafter executed may be (i) amended, (ii) terminated, or (iii) terminated and a new contract may be entered into in lieu thereof, if the board of fire commissioners, after such hearing, shall determine by resolution, that it is in the public interest so to do. Such notice shall state in general terms the reason why any existing contract is to be amended or terminated, and if a new contract is to be

entered into the notice shall also describe the new contract in general terms.

(h) The term "fire protection", as used in this subdivision, includes inspections of buildings and properties in the fire district for the purposes specified in and as authorized by section eight hundred seven-a of the education law, subdivision four of section three hundred three of the multiple residence law, and section one hundred eighty-nine of the town law.

(i) The provisions of this subdivision shall not be deemed to have amended subdivision two of section two hundred nine-b or section two hundred nine-d of the general municipal law, or any other general, special or local law requiring the consent of a fire department, fire company or an emergency rescue and first aid squad to the entering into of a contract for services to be performed by such department, company or squad.

23. May sell or otherwise dispose of real and personal property of the district no longer necessary for any of its uses or purposes if, when and in the manner and to the extent authorized so to do in a proposition which is duly submitted and adopted or approved at a special or annual fire district election in the manner provided by section one hundred seventy-nine of this article for voting upon appropriations, except that if a proposition shall be submitted pursuant to the provisions of said section for the purchase of apparatus or if a proposition shall be submitted pursuant to the local finance law for the approval of a bond resolution or a capital note resolution for obligations to be issued for the purchase of apparatus, such proposition may specify that apparatus or equipment owned by the district or the proceeds of the sale thereof is to be used in part payment for new apparatus and the adoption of such proposition shall authorize the sale or such other disposition of such apparatus or equipment, or if apparatus or equipment is to be purchased without the submission of a proposition as aforesaid apparatus or equipment owned by the district may be used as part payment for new apparatus or equipment without the adoption of a proposition therefor, and except also that the board of fire commissioners may at any time sell or otherwise dispose of real and personal property of the district no longer necessary for any of its uses or purposes if valued at less

than one hundred thousand dollars but not below twenty thousand dollars, if, when and in the manner and to the extent authorized so to do in a resolution which shall be subject to a permissive referendum governed in the manner provided in subdivision seven of section six-g of the general municipal law and except also that the board of fire commissioners may at any time sell or otherwise dispose of real and personal property of the district no longer necessary for any of its uses or purposes without the adoption of a proposition therefor if the value of such real and personal property does not exceed the sum of twenty thousand dollars.

23-a. Shall award all contracts for public work and, except when the office of director of purchasing has been established and a director of purchasing shall have been appointed and qualified, all purchase contracts to the lowest responsible bidder after advertisement for bids where so required by section one hundred three of the general municipal law. In any case of a purchase from a manufacturer of a motor vehicle used for fighting fires, whether or not including apparatus used in connection with such motor vehicle, having a period of probable usefulness of ten years as determined by section 11.00 of the local finance law, advertisement for sealed bids may be made and the purchase contract may be awarded for such motor vehicle and apparatus with the provision, if the board of fire commissioners shall so specify, that progress payments be made to the manufacturer as the motor vehicle or apparatus or both progresses, provided that evidence satisfactory to the board of fire commissioners as to the progress of such work be produced with each request by the manufacturer for a progress payment, and further provided that such progress payments shall not exceed four in number and that at least twenty-five per cent of the contract price of the motor vehicle or apparatus or both be withheld by the board of fire commissioners until such motor vehicle or apparatus or both are delivered to and accepted by the board of fire commissioners, and further provided that every such contract providing for progress payments shall be accompanied by a surety bond of a property/casualty insurance company, as defined in section one hundred seven of the insurance law, for the completion of the work, specified in the contract, within the amount stipulated therein, which bond shall be filed with the board of fire commissioners.

24. May enter into an agreement with the town in which the fire district is located in whole or in part for the fire district to issue fire permits on behalf of the town as provided in and subject to the provisions of sections one hundred thirty-nine and one hundred seventy-six-a of this chapter and may terminate any such agreement as provided in such section one hundred thirty-nine.

25. Shall have power to cause investigations to be made to determine whether the provisions of laws relating to fire prevention and fire equipment are being complied with within the fire district and, in case there is found what appears to be a violation of any town building code or of any town ordinances, rules and regulations for fire prevention, or for the removal or repair of unsafe buildings or collapsed structures, shall report the same to the town building inspector appointed pursuant to section one hundred thirty-eight of this chapter, or, if there be no such official, to the town board, for appropriate action.

26. The amount of any indebtedness incurred by a newly created fire district prior to the first fiscal year for which an annual estimate is adopted, and the amount of the interest thereon, shall be included in the first statement of expenditures of the district submitted pursuant to section one hundred eighty-one of this chapter and shall be assessed and levied on the taxable property of such district and collected in the same manner and at the same time as the other amounts included in such statement of expenditures. The amount so raised shall not be subject to the limitations of subdivision eighteen of this section.

27. Shall have power to establish within the fire district one or more zones in which the rate of tax for fire district purposes shall be different from the rate for other zones or for the portion of the district not included in any zone, after a public hearing thereon. The notice of such hearing shall be published and posted and such hearing shall be held in the manner provided in this article for a hearing upon the establishment of a fire, fire alarm or fire protection district upon petition, except that the secretary of the board of fire commissioners shall perform the duties of the town clerk. Such notice shall specify

the boundaries of the proposed zone or zones and the items of expense of the district which shall be charged against such zone or zones, other than those charged against the district as a whole, or the other respects in which the rates of tax for the proposed zone or zones are to be different from the rates for the remainder of the district. After such hearing and upon the evidence given thereat, the board of fire commissioners shall determine by resolution whether it be in the public interest to establish the proposed zone or zones. If it be determined that the establishment of such zone or zones be in the public interest, such board shall determine whether all the property, property owners and interested persons within the proposed zone or zones are benefited thereby or enjoy benefits greater than are conferred upon the remainder of the district, and whether all property or property owners benefited or who enjoy such benefits are included within such zone or zones, and it shall so alter the boundaries of such zone or zones that all property and property owners and only such property and property owners as are benefited and enjoy such benefits shall be included within the limits of such zone or zones. In the event, however, that it is found that any property, property owner or any interested persons not included in the zone or zones as originally proposed will be benefited thereby or enjoy such benefits, a further notice shall be posted and published and another hearing held as provided herein, unless all said additional property owners or interested persons affected file a written consent to be included in such zone or zones. When the boundaries of such zone or zones shall have been finally determined by such board, a certificate thereof shall be filed in the office of the town clerk or, if the district be situated in more than one town, in the offices of the town clerks of all of the towns in which such district is situated, and such zone or zones shall be deemed established by the filing of such certificate. Such board shall also cause such zone or zones to be correctly marked upon the map of the fire district. It is intended that the provisions of this subdivision shall apply, for example, so as to permit one rate of taxation within a given distance of the fire house, where insurance rates are lower, and another rate for a greater distance from the fire house, or one rate for that portion of the district which does not have water hydrants and another rate for that portion of the district which has water hydrants, or in the event of any other unusual

circumstances making the establishment of a zone or zones desirable. After such zone or zones shall be established, the annual statement of expenditures, filed pursuant to section one hundred eighty-one of this chapter, shall specify the amounts to be raised by taxation in said zone or zones, which are not to be a general charge against all of the property of the fire district, and such amounts shall be levied only upon the property included in such zone or zones. Notwithstanding any other provision of this chapter, the petition for the creation of a fire district may provide for the establishment of a zone or zones as aforesaid, and the town board or boards in the creation of the fire district may establish such separate zone or zones in the same manner that they established the fire district, but the provisions relating to the establishment of zones by the board of fire commissioners of a fire district shall be followed so far as applicable. In case a petition for the creation of a fire district calls for the establishment of such a zone or zones, the notice of the public hearing with respect to the creation of the fire district shall contain information similar to that required to be contained in the notice given by the secretary of the board of fire commissioners where the zone or zones are to be created by the board of fire commissioners and the town board or boards shall have all of the powers of a board of fire commissioners with respect to the creation of such zone or zones. The board of fire commissioners of a fire district in which a zone or zones shall have been established as hereinbefore provided may alter the boundaries of any such zone or zones or cause any such zone or zones to be abolished by procedure similar to that provided in this section for the establishment of a zone or zones by the board of fire commissioners.

28. May compromise any suits or claims now existing or hereafter arising against the fire district under section two hundred five-b of the general municipal law, and a tax may be levied against the taxable property of the fire district for such purpose in addition to the sums authorized by subdivision eighteen of this section, without the adoption of a proposition therefor, provided, however, that such compromise shall have been approved by the court in which such action is pending, or if not pending in any court, by a justice of the supreme court of the judicial district in which such fire district is located, on motion of

either party supported by the affidavits of both an officer of such fire district and the claimant or claimants, and the affidavits of such other persons as the court or justice may require, setting forth facts sufficient to establish the liability of the fire district and its lack of adequate defense.

29. May authorize the use of voting machines at any annual or special election held within the fire district and such voting machine shall be used in accordance with the provisions contained in article nine of the election law.

30. May provide by taxation the sum necessary to pay any judgment recovered against the fire district, or may provide such sum, in whole or in part, pursuant to the local finance law and any taxes levied for such purpose against the taxable property of the fire district shall be in addition to the sums authorized by subdivision eighteen of this section without the adoption of a proposition therefor.

31. May offer monetary rewards, in sums not to exceed one thousand dollars, to individuals for information leading to the arrest and conviction of any person or persons for felonies or misdemeanors directly connected to vandalism or theft of district property. Such rewards may be offered on any conditions the board may determine, subject to whatever qualifications it may deem appropriate.

32. May engage a certified public accountant or public accountant to audit the accounts and fiscal affairs of the fire district.

33. May authorize the use of fire equipment and apparatus belonging to the fire district for the purpose of participation in the funeral of a deceased member or former member of a fire department or fire company within the district including the transportation of the body of the deceased firefighter.

34. May adopt a resolution authorizing the application of the agricultural value assessment established pursuant to article twenty-five-AA of the agriculture and markets law to the special

assessment or special ad valorem levy made on behalf of the district on land benefitting from the agricultural value assessment under article twenty-five-AA of the agriculture and markets law located within the district. A copy of this resolution shall be delivered to the assessor or assessors of the unit or units in which the district is located and shall be effective on the assessment roll prepared after the next taxable statue date following its adoption. A resolution repealing this exemption shall be delivered to the assessor or assessors of the assessing unit or units in which the district is located and shall be effective on the assessment roll prepared after the next taxable status date following its adoption.