

Legislative Bill Drafting Commission
10779-02-7

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

TOWNLA* *State Comptroller 19 R-1
(Relates to fire protection
contracts with incorporated fire
companies)

Town. fire protection contracts

AN ACT

to amend the town law and the
village law, in relation to fire
protection contracts with incorpo-
rated fire companies

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

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s15 Addabbo	s50 DeFrancisco	s27 Hoylman	s25 Montgomery	s23 Savino
s52 Akshar	s32 Diaz	s60 Jacobs	s40 Murphy	s41 Serino
s31 Alcantara	s18 Dilan	s09 Kaminsky	s58 O'Mara	s29 Serrano
s46 Amedore	s17 Felder	s63 Kennedy	s62 Ortt	s51 Seward
s11 Avella	s02 Flanagan	s34 Klein	s21 Parker	s26 Squadron
s36 Bailey	s55 Funke	s28 Krueger	s13 Peralta	s16 Stavisky
s42 Bonacic	s59 Gallivan	s24 Lanza	s19 Persaud	s35 Stewart-
s04 Boyle	s12 Gianaris	s39 Larkin	s07 Phillips	Cousins
s44 Breslin	s22 Golden	s37 Latimer	s61 Ranzenhofer	s49 Tedisco
s08 Brooks	s47 Griffo	s01 LaValle	s48 Ritchie	s53 Valesky
s38 Carlucci	s20 Hamilton	s45 Little	s33 Rivera	s57 Young
s14 Comrie	s06 Hannon	s05 Marcellino	s56 Robach	s30
s03 Croci	s54 Helming	s43 Marchione	s10 Sanders	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a034 DenDekker	a097 Jaffee	a145 Morinello	a111 Santabarbara
a092 Abinanti	a070 Dickens	a011 Jean-Pierre	a057 Mosley	a140 Schimminger
a084 Arroyo	a054 Dilan	a116 Jenne	a039 Moya	a076 Seawright
a035 Aubry	a081 Dinowitz	a135 Johns	a003 Murray	a087 Sepulveda
a120 Barclay	a147 DiPietro	a115 Jones	a065 Niou	a027 Simanowitz
a030 Barnwell	a016 D'Urso	a077 Joyner	a037 Nolan	a052 Simon
a106 Barrett	a004 Englebright	a074 Kavanagh	a144 Norris	a036 Simotas
a060 Barron	a133 Errigo	a142 Kearns	a130 Oaks	a104 Skartados
a082 Benedetto	a109 Fahy	a040 Kim	a069 O'Donnell	a099 Skoufis
a042 Bichotte	a071 Farrell	a131 Kolb	a051 Ortiz	a022 Solages
a079 Blake	a126 Finch	a105 Lalor	a091 Otis	a114 Stec
a117 Blankenbush	a008 Fitzpatrick	a013 Lavine	a132 Palmesano	a110 Steck
a098 Brabenc	a124 Friend	a134 Lawrence	a002 Palumbo	a127 Stirpe
a026 Braunstein	a095 Galef	a050 Lentol	a088 Paulin	a001 Thiele
a119 Brindisi	a137 Gantt	a125 Lifton	a141 Peoples-	a061 Titone
a138 Bronson	a007 Garbarino	a102 Lopez	Stokes	a031 Titus
a093 Buchwald	a148 Giglio	a123 Lupardo	a058 Perry	a033 Vanel
a118 Butler	a080 Gjonaj	a010 Lupinacci	a023 Pheffer	a055 Walker
a094 Byrne	a066 Glick	a121 Magee	Amato	a143 Wallace
a103 Cahill	a150 Goodell	a129 Magnarelli	a086 Pichardo	a112 Walsh
a044 Carroll	a075 Gottfried	a064 Malliotakis	a089 Pretlow	a146 Walter
a062 Castorina	a005 Graf	a090 Mayer	a073 Quart	a041 Weinstein
a047 Colton	a100 Gunther	a108 McDonald	a019 Ra	a024 Weprin
a032 Cook	a046 Harris	a014 McDonough	a012 Raia	a059 Williams
a085 Crespo	a139 Hawley	a017 McKevitt	a006 Ramos	a113 Woerner
a122 Crouch	a083 Heastie	a107 McLaughlin	a043 Richardson	a056 Wright
a021 Curran	a028 Hevesi	a101 Miller, B.	a078 Rivera	a096 Zebrowski
a063 Cusick	a048 Hikind	a038 Miller, M.G.	a068 Rodriguez	a009
a045 Cymbrowitz	a018 Hooper	a020 Miller, M.L.	a067 Rosenthal	
a053 Davila	a128 Hunter	a015 Montesano	a025 Rozic	
a072 De La Rosa	a029 Hyndman	a136 Morelle	a149 Ryan	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

1 Section 1. Subdivision 22 of section 176 of the town law, as amended
2 by chapter 167 of the laws of 1960, the first undesignated paragraph as
3 amended by chapter 705 of the laws of 1967 and the closing paragraph as
4 amended by chapter 520 of the laws of 1964, is amended to read as
5 follows:

6 22. (a) May contract for the furnishing of fire protection within the
7 fire district with any city, village, fire district, or incorporated
8 fire company having its headquarters outside such fire district and
9 maintaining adequate and suitable apparatus and appliances for the
10 furnishing of fire protection in such district; provided there is no
11 fire company maintaining its headquarters in said district or provided
12 the fire department of said district is, in the judgment of such fire
13 commissioners, unable to render adequate and prompt fire protection to
14 such district or any area thereof. The contract also may provide for the
15 furnishing of [(1)] (i) emergency service in case of accidents, calami-
16 ties or other emergencies in connection with which the services of fire-
17 men would be required and [(2)] (ii) general ambulance service subject,
18 however, to the provisions of section two hundred nine-b of the general
19 municipal law. In the event that the fire department or fire company
20 furnishing fire protection within the district pursuant to contract does
21 not maintain and operate an ambulance and provision has not otherwise
22 been made for ambulance service for the area of the district pursuant to
23 section one hundred twenty two-b of the general municipal law then a
24 separate contract may be made for the furnishing within the district of
25 emergency ambulance service or general ambulance service, or both, with
26 any city, village or fire district the fire department of which, or with
27 an incorporated fire company having its headquarters outside the
28 district which, maintains and operates an ambulance subject, however, in

1 the case of general ambulance service, to the provisions of section two
2 hundred nine-b of the general municipal law.

3 (b)(i) Except as provided in subparagraph (ii) of this paragraph,
4 prior to commencing the negotiation process for such contract with an
5 incorporated fire company, the incorporated fire company shall file with
6 the board of fire commissioners a statement itemizing the estimated
7 costs of the incorporated fire company attributable to the provision of
8 services under the prospective contract. The estimated costs attribut-
9 able to the provision of services under the prospective contract item-
10 ized in the statement shall include, at a minimum, those, if any, for:
11 supplies; materials; operation, maintenance and repair of equipment and
12 apparatus; insurance; training; protective clothing, gear and other
13 personnel costs; building rental, maintenance and operation; and a spec-
14 ified proportionate share of capital costs. If the fire company is
15 required to prepare any of the following documents, copies shall be
16 included with the statement:

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

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

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

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

26 (ii) The provisions of subparagraph (i) of this paragraph shall not
27 apply to the renewal of a contract when the contract is deemed renewed
28 in accordance with paragraph (e) of this subdivision. Upon good cause

1 shown, the board of fire commissioners may, by resolution, waive in
2 whole or in part the requirement that the fire company file the state-
3 ment, and copies of documents, required by subparagraph (i) of this
4 paragraph.

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

12 (d) Except as hereinafter provided, the term of the contract shall be
13 for a definite period of time, but in no event shall the term exceed
14 five years. The contract year or years in all such contracts entered
15 into after the year nineteen hundred sixty shall terminate on December
16 thirty-first.

17 (e) Instead of being for a definite term as hereinabove provided, the
18 contract may be for an original term of one calendar year or less and
19 provide that it shall be deemed renewed on the same basis each year
20 thereafter for a further term of one full calendar year without any
21 further public hearing unless one of the contracting parties shall noti-
22 fy the other in writing on or before the first day of August that it
23 elects to terminate the contract on December thirty-first in that year.
24 The term of any such contract, including renewals, shall not exceed five
25 years, but the contract may provide that there shall be less than four
26 such renewals. If the city, village or fire district fire department or
27 fire company which is to furnish the service under such a contract is
28 not a fully paid department or company, the city, village or fire

1 district governing board upon the request of the department or company,
2 shall terminate the contract as provided in this paragraph. Any contract
3 entered into pursuant to this paragraph may provide that in the month of
4 July of each year in which such a renewal could occur the fire district
5 secretary shall notify the secretary of the fire department or fire
6 company which is to furnish the service under the contract that the
7 contract shall be deemed renewed on the same basis for a further full
8 term of one calendar year unless one of the contracting parties shall
9 notify the other in writing on or before the first day of August that it
10 elects to terminate the contract on December thirty-first in such year.

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

14 (g) By mutual consent of the contracting parties, and after a public
15 hearing held pursuant to notice in the manner aforesaid, any such
16 contract heretofore or hereafter executed may be [(1)] (i) amended,
17 [(2)] (ii) terminated, or [(3)] (iii) terminated and a new contract may
18 be entered into in lieu thereof, if the board of fire commissioners,
19 after such hearing, shall determine by resolution, that it is in the
20 public interest so to do. Such notice shall state in general terms the
21 reason why any existing contract is to be amended or terminated, and if
22 a new contract is to be entered into the notice shall also describe the
23 new contract in general terms.

24 (h) The term "fire protection", as used in this subdivision, includes
25 inspections of buildings and properties in the fire district for the
26 purposes specified in and as authorized by section eight hundred seven-a
27 of the education law, subdivision four of section three hundred three of

1 the multiple residence law, and section one hundred eighty-nine of the
2 town law.

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

10 § 2. Section 184 of the town law is amended by adding a new subdivi-
11 sion 1-a to read as follows:

12 1-a. (a) Except as provided in paragraph (b) of this subdivision,
13 prior to commencing the negotiation process for such contract with an
14 incorporated fire company, the incorporated fire company shall file with
15 the town board a statement itemizing the estimated costs of the incorpo-
16 rated fire company attributable to the provision of services under the
17 prospective contract. The estimated costs attributable to the provision
18 of services under the prospective contract itemized in the statement
19 shall include, at a minimum, those, if any, for: supplies; materials;
20 operation, maintenance and repair of equipment and apparatus; insurance;
21 training; protective clothing, gear and other personnel costs; building
22 rental, maintenance and operation; and a specified proportionate share
23 of capital costs. If the fire company is required to prepare any of the
24 following documents, copies shall be included with the statement:

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

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

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

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

8 (b) The provisions of paragraph (a) of this subdivision shall not
9 apply to the renewal of a contract when the contract is deemed renewed
10 in accordance with subdivision four of this section. Upon good cause
11 shown, the town board may, by resolution, waive in whole or in part the
12 requirement that the fire company file the statement, and copies of
13 documents, required by paragraph (a) of this subdivision.

14 § 3. Paragraph 9 of subdivision 3 of section 4-412 of the village law
15 is amended by adding a new subparagraph a-1 to read as follows:

16 a-1. (i) Except as provided in clause (ii) of this subparagraph, prior
17 to commencing the negotiation process for such contract with an incorpo-
18 rated fire company, the incorporated fire company shall file with the
19 board of trustees a statement itemizing the estimated costs of the
20 incorporated fire company attributable to the provision of services
21 under the prospective contract. The estimated costs attributable to the
22 provision of services under the prospective contract itemized in the
23 statement shall include, at a minimum, those, if any, for: supplies;
24 materials; operation, maintenance and repair of equipment and apparatus;
25 insurance; training; protective clothing, gear and other personnel
26 costs; building rental, maintenance and operation; and a specified
27 proportionate share of capital costs. If the fire company is required to

1 prepare any of the following documents, copies shall be included with
2 the statement:

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

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

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

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

12 (ii) Upon good cause shown, the board of trustees may, by resolution,
13 waive in whole or in part the requirement that the fire company file the
14 statement, and copies of documents, required by clause (i) of this
15 subparagraph.

16 § 4. This act shall take effect on January first next succeeding the
17 date on which it shall have become a law and shall apply to contracts
18 with a term commencing after March first of the year in which it shall
19 have become a law.