

A Resolution in support of Legislation to clarify procedures affecting certain Fire District Elections

RESOLUTION #2024-_____

Whereas, on June 14, 2023, the Enfield Town Board dissolved the Enfield Fire Protection District and established the Enfield Fire District to oversee and administer fire protection services within the Town of Enfield; and

Whereas, under Section 174(2) of New York State Town Law, the Enfield Fire District's establishment required its first election of fire district officers to take place in December of 2023, an election at which voters selected all five (5) members of the Board of Fire Commissioners, elected officers to replace the five interim commissioners earlier appointed by this Town Board; and

Whereas, Section 174(2) of New York State Town Law contains vague and ambiguous language that fails to specify whether voters in a first Commissioners election are entitled to cast only one (1) vote or up to five (5) votes for Commissioners to populate the Board; and

Whereas, prior to that December 2023 election in Enfield, the Fire District's former legal counsel interpreted New York State Town Law to permit only one (1) vote to be cast by each eligible voter in that election to fill multiple Board of Fire Commissioners positions, an opinion subsequently endorsed by the appointed Board and employed to conduct the December 2023 first commissioners election; and

Whereas, both prior and subsequent to that election, the one-vote-per-voter rule generated and continues to generate anger, frustration, and ill-will among Enfield Fire District residents, as well as among those candidates, both successful and unsuccessful, for Fire Commissioner positions; persons who believe the election procedures unfairly limited their choices and denied them their franchise; and

Whereas, this Town Board believes equity and fairness dictate that the New York State Legislature provide legal clarity and correct Section 174(2) of Town Law so as to permit the casting of multiple votes in first elections of this type and thus enable voters to express their preferences for not just one, but for all five positions in an initial Board of Fire Commissioners election; and

Whereas, although the procedural flaw identified by this Resolution may never again confront voters in the Enfield Fire District, it may affect similarly-situated voters elsewhere in future district elections within New York State and thus become an error of law effectively capable of repetition but evading review, an error deserving immediate, pro-active legislative correction; therefore be it

Resolved, that the Enfield Town Board respectfully requests that the New York State Senate and Assembly promptly enact and the Governor subsequently sign an amendment to Section 174(2) of New York State Town Law, an amendment carrying appropriate language to clarify the procedures for first elections of fire district officers, an amendment that enables fire district voters to cast ballots for as many positions on a Board of Fire Commissioners as exist to be filled in that election; and be it further

Resolved, that the Town Clerk shall forward copies of this Resolution to the following: the Hon. Kathy Hochul, Governor of the State of New York; the Hon. Lea Webb, New York State Senator; the Hon. Dr. Anna Kelles, New York State Assemblymember; the New York State Association of Towns; and the Association of Fire Districts of the State of New York.

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