

**Stillwater Fire District  
Stillwater, New York**

Fire District Policy and Procedure                      Policy Number:   1   of 2012  
Policy Name:   Unexcused Absences    
Date Issued:   February 13, 2012    
Effective:   February 13, 2012    
Revised:     
Review Date:   January 2017  

**I. PURPOSE**

A. To comply with Section 176c of the Town Law the Board of Fire Commissioners has adopted the following policy regarding excessive unexcused absences.

**II. DEFINITIONS**

A. Section 176c of Town Law states that any fire commissioner may be removed for dereliction of duty. Dereliction of duty shall include, but not limited to excessive unexcused absences from regularly scheduled meetings. The criteria for removal are in addition to the criteria provided in section 36 of the Public Officers Law. Any removal pursuant to this section shall take place pursuant to the procedure for removal established in section 36 of the Public Officers Law (attached).

**III. POLICY**

A. The Board has determined that four or more unexcused absences from regularly scheduled board meetings shall be considered excessive subjecting the offending commissioner to consideration for removal.

**IV. PROCEDURE**

A. Excused absences shall be granted by the Board during a regular meeting and shall become part of the minutes for that meeting, stating name of commissioner, date of absence and reason for absence.

By Order of Board of Fire Commissioners – Stillwater Fire District

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Chairman Board of Fire Commissioners

**Sec. 36. Removal of town, village, improvement district or fire district officer by court.**

Any town, village, improvement district or fire district officer, except a justice of the peace, may be removed from office by the supreme court for any misconduct, maladministration, malfeasance or malversation in office. An application for such removal may be made by any citizen resident of such town, village, improvement district or fire district or by the district attorney of the county in which such town, village or district is located, and shall be made to the appellate division of the supreme court held within the judicial department embracing such town, village, improvement district or fire district. Such application shall be made upon notice to such officer of not less than eight days, and a copy of the charges upon which the application will be made must be served with such notice.