

Joint Fire District Meeting May 23, 2016 at 7:00pm

MEMBERS PRESENT

Supervisor John Haughton	Mayor Bruce Lyon	Supervisor Cynthia Breh
Councilman Frederick Doerrer	Trustee Brock Herringshaw	Councilperson John Houle
Councilman Peter Jaikin	Trustee Mary Puznowski	Councilperson Pat Haberek
Councilman Kevin Snell	Trustee Bill Reynolds	Councilperson Stephanie Gray
Councilman Rodney Swartz	Trustee Bob Maxwell	
Town Clerk Marie Gressler	Village Clerk Tammy Chmielewski	Town Clerk Gloria Brys

Supervisor Haughton called the meeting to order at 7:00PM., roll call was taken and the pledge of allegiance was recited.

Public Notice of Meeting: Verification that all municipalities involved properly noticed this meeting in their official newspaper was received and entered in the record by Manheim clerk Marie Gressler.

Attorney Ayers stated that the purpose of this meeting was for the three boards to determine whether or not it is in the “public’s” best interest to establish a joint fire district. If they determine that it is in the “public’s best interest each board would have to adopt by majority vote a resolution to establish a joint fire district. The boards would also have to approve an Abstract to be posted and published of the Board’s Resolution to establish a Joint District which must include notice that the Resolution is subject to permissive referendum. The publication must appear in their official newspapers within 10 days of this meeting.

Public Comment: No one requested to speak.

Action to be Taken: **Establishment of Joint Fire District**

Comments from the boards: Manheim Supervisor Haughton said that the process started about two years ago; the boards have put a lot of time on this between reviewing the feasibility study and holding public meetings. There has definitely been a lack of funding in the past and there will be an increase in taxes whether the district is formed or not. He feels it is absolutely in the public’s best interest to establish the joint fire district and thinks it speaks volumes when 911 coordinator Bob Vandawalker supports forming a fire district. Councilman Jaikin feels the joint fire district is the only way to go. Councilman Doerrer said it is the best solution to managing the raising cost of fire protection. Oppenheim Supervisor Breh said it is definitely in the public’s best interest to create the joint fire district. She’s asked about 15 people and they’re all in favor of doing this. Dolgeville Mayor Lyon said that if this doesn’t happen he doesn’t know what will happen to the DVFD, the village can’t afford to fund it more than they currently do.

The following resolution was motioned, seconded and unanimously adopted.

**RESOLUTION NO. 28 of 2016
Dated: May 23, 2016**

RESOLUTION TO ESTABLISH A JOINT FIRE DISTRICT

MOTION made by Councilman Peter Jaikin, seconded by Councilman Frederick Doerrer

WHEREAS, the Town Board of the Town of Manheim, in conjunction with the Town of Oppenheim and the Village of Dolgeville, commissioned a feasibility study (hereinafter the Feasibility Study”) in connection with a proposal to establish a joint fire district for the Town of Manheim, the geographical portion of Town of Oppenheim within which a portion of the Village of Dolgeville is located, and the Village of Dolgeville (hereinafter the “Joint Fire District”); and,

WHEREAS, the Town Board of the Town of Manheim, in conjunction with the Boards of the Town of Oppenheim and the Village of Dolgeville, held a joint public hearing in connection with the Feasibility Study at which time copies of the Feasibility Study were distributed, the contents and findings of the Feasibility Study were presented to the public, the public’s questions were asked and answered, and public comment was received; and,

WHEREAS, the Town Board of the Town of Manheim, in conjunction with the Boards of the Town of Oppenheim and the Village of Dolgeville, pursuant to Article 11-A of the Town Law and Section 22-2210 of the Village Law, public notice was given that a joint meeting of such Boards would be held to discuss the Feasibility Study and receive public input and comment in connection with a proposal to establish a Joint Fire District to provide fire protection services to residents; and,

WHEREAS, Town Board of the Town of Manheim, in conjunction with the Boards of the Town of Oppenheim and the Village of Dolgeville, discussed the findings of the Feasibility Study and addressed the question of whether the creation of a Joint Fire District appeared to be in the “public’s best interest”; and,

WHEREAS, Town Board of the Town of Manheim, in conjunction with the Boards of the Town of Oppenheim and the Village of Dolgeville, discussed whether to jointly propose the establishment of a Joint Fire District; and,

WHEREAS, pursuant to Article 11-A of the Town Law, the Town of Manheim found that the establishment of a Joint Fire District for the Town of Manheim, the geographical portion of Town of Oppenheim within which a portion of the Village of Dolgeville is located, and the Village of Dolgeville appears to be in the best interest of the public; and,

WHEREAS, pursuant to Article 11-A of the Town Law, the Town of Manheim, in conjunction with the Town of Oppenheim and the Village of Dolgeville, proposed to establish a Joint Fire District for the Town of Manheim, the geographical portion of Town of Oppenheim within which a portion of the Village of Dolgeville is located, and the Village of Dolgeville on January 27, 2016; and,

WHEREAS, the Town Board of the Town of Manheim declared itself Lead Agency for the SEQRA Review on February 9, 2016, and upon acceptance on Manheim’s Lead Agency status by the Town of Oppenheim, the Village of Dolgeville, the Herkimer County Planning Board, and the Planning Department of Fulton County, conducted a SEQRA review; and,

WHEREAS, the Town Board of the Town of Manheim, in conjunction with the Boards of the Town of Oppenheim and the Village of Dolgeville, held a public hearing on February 23, 2016 to hear any questions and concerns of the public regarding creation of a Joint Fire District; and,

WHEREAS, the Town Board of the Board of Manheim, after conducting a SEQRA review, found that the creation of a joint fire district would have no negative impact on the environment and issued a negative declaration on April 12, 2016; and,

WHEREAS, the Town Board of the Town of Manheim, having listened to the public comment, questions, and concerns at the Public Hearing, and having considered the findings of the Feasibility Study and comments made at the Joint Board Meeting held on January 27, 2016 has determined that it would be in the “public’s best interest” that a Joint Fire District be established.

Now Therefore Be It RESOLVED, that, pursuant to Article 11-A of the Town Law, the Town Board of the Town of Manheim, at a joint board meeting held with the Boards of the Town of Oppenheim and the Village of Dolgeville, hereby determines that establishing a Joint Fire District, the boundary of which is to be comprised of the Town of Manheim, the geographical portion of Town of Oppenheim within which a portion of the Village of Dolgeville is located, and the Village of Dolgeville, is in the best interest of the public; and,

It is further RESOLVED that, pursuant to Article 11-A of the Town Law, the Town of Manheim, at a joint board meeting held with the Boards of the Town of Oppenheim and the Village of Dolgeville, hereby establishes a Joint Fire District, the boundary of which shall be comprised of the Town of Manheim, the geographical portion of Town of Oppenheim within which a portion of the Village of Dolgeville is located, and the Village of Dolgeville.

Roll Call Vote:

John Haughton, Supervisor	Aye	X	Nay	_____
Peter Jaikin, Councilmember	Aye	X	Nay	_____
Frederick Doerrer, Councilmember	Aye	X	Nay	_____
Kevin Snell, Councilmember	Aye	X	Nay	_____
Rodney Swartz, Councilmember	Aye	X	Nay	_____

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 23rd. day of May, 2016

Marie Gressler, Town Clerk

The Town of Oppenheim and the Village of Dolgeville also motioned, seconded and unanimously adopted resolutions to Establish a Joint Fire District.

Establishment of Board of Commissioners

At previous meetings it was decided that there should be 5 commissioners on the board. The first board would consist of 2 commissioners appointed by the Town of Manheim, 2 appointed by the Village of Dolgeville and 1 appointed by the Town of Oppenheim. Thereafter the commissioners would be elected by the residents of the district. Attorney Ayers read Manheim’s resolution proposing to establish a 5 member board of commissioners. Councilman Swartz asked how the commissioners would be elected in the future. Attorney Ayers explained that the fire district would hold an election with the top 5 vote getters receiving seats on the board. (the village can never have more than 3 on the board at one time) Mary Puznowski asked the time

frame for appointing commissioners. Probably not until after October 1, 2016. There was discussion on the 2017 fire district budget. Attorney Ayers suggested that left over money designated for the fire department should be turned over to the district as soon as it is formed. (it will be all they will have to operate in 2017) In 2017 the district commissioners will prepare a budget for 2018. Jamie Bergeron asked if it wouldn't be better to appoint instead of elect commissioners. Attorney Ayers explained why the trend is to elect commissioners not appoint them. This takes the control of managing fire protection out of the towns and village hands and gives it to the voting residents of the district.

The following resolution was motioned, seconded and unanimously adopted.

RESOLUTION NO. 29 of 2016
Dated: May 23, 2016

RESOLUTION ESTABLISHING THE BOARD OF COMMISSIONERS
for the
JOINT FIRE DISTRICT

MOTION made by Councilman Frederick Doerrer, seconded by Councilman Peter Jaikin

WHEREAS, pursuant to Article 11-A of the Town Law the Town Board of the Town of Manheim, at a joint meeting held with the Boards of the Town of Oppenheim and the Village of Dolgeville, has decided to establish a Joint Fire District, the boundaries of which shall be comprised of the Town of Manheim, the geographical portion of Town of Oppenheim within which a portion of the Village of Dolgeville is located, and the Village of Dolgeville; and,

WHEREAS, Article 11-A of the Town Law requires that at a joint session the Boards of the Towns of Manheim and Oppenheim and the Village shall determine the number of Commissioners which shall constitute the Board of Commissioners for the Joint Fire District; and,

WHEREAS, Article 11-A of the Town Law provides that at a joint session the Boards of the Towns of Manheim and Oppenheim and the Village may determine to initially appoint Commissioners to be responsible for the management of the property and affairs of the Joint Fire District; and,

WHEREAS, Article 11-A of the Town Law provides that after such initial appointments, the Boards of the Towns of Manheim and Oppenheim and the Village may, at a joint session, determine that Commissioners shall thereafter be elected in accordance with the provisions of Article 11 of the Town Law.

Now Therefore Be It RESOLVED, that, pursuant to Article 11-A of the Town Law the Town Board of the Town of Manheim, at a joint session held with the Boards of the Town of Oppenheim and the Village of Dolgeville held at a location within the district, has determined that the property and affairs of the Joint fire District shall be under the management of a Board consisting of five (5) commissioners.,

It is further RESOLVED, that, pursuant to Article 11-A of the Town Law the Town Board of the Town of Manheim, in a joint session with the Boards of the Town of Oppenheim and the Village of Dolgeville held at a location within the district, has determined that each of the five commissioners of the Joint Fire District shall initially be appointed and thereafter elections shall be held as provided in Article 11 of the Town Law, except the terms of office shall be as provided for in section 189-e of the Town Law.

It is further RESOLVED, that the Town Board of the Town of Manheim, at a joint session held with the Boards of the Town of Oppenheim and the Village of Dolgeville held at a location within the district, has determined that of the five (5) commissioners to be initially appointed, two (2) shall be appointed by the Town Board of Manheim, two (2) shall be appointed by the Village Board and one (1) by the Town Board of Oppenheim.

Roll Call Vote:

John Haughton, Supervisor	Aye	X	Nay	_____
Peter Jaikin, Councilmember	Aye	X	Nay	_____
Frederick Doerrer, Councilmember	Aye	X	Nay	_____
Kevin Snell, Councilmember	Aye	X	Nay	_____
Rodney Swartz, Councilmember	Aye	X	Nay	_____

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 23rd. day of May, 2016

Marie Gressler, Town Clerk

The Town of Oppenheim motioned, seconded and unanimously adopted a Resolution Establishing the Board of Commissioners for the Joint Fire District.

The Village of Dolgeville asked to take a break to discuss a couple of things before taking further action. The Village Board returned from their break and motioned, seconded and unanimously adopted a Resolution Establishing the Board of Commissioners for the Joint Fire District.

Establish the Powers of the Board of Commissioners

All boards need to authorize the commissioners to have the power to acquire any real property or easement within the geographic boundaries of the fire district without prior approval of the boards. This would alleviate them from having to go before each board before obtaining property or an easement.

The following resolution was motioned, seconded and unanimously adopted.

**RESOLUTION NO. 30 of 2016
Dated: May 23, 2016**

**RESOLUTION ESTABLISHING THE POWERS AND DUTIES
OF THE BOARD OF COMMISSIONERS OF THE
JOINT FIRE DISTRICT**

MOTION made by Councilman Peter Jaikin, seconded by Councilman Frederick Doerrer

WHEREAS, pursuant to Article 11-A of the Town Law, the Town Board of the Town of Manheim, at a joint meeting held with the Boards of the Town of Oppenheim and the Village of Dolgeville, decided to establish a Joint Fire District, the boundaries of which shall be comprised of the Town of Manheim, the geographical portion of Town of Oppenheim within which a portion of the Village of Dolgeville is located, and the Village of Dolgeville; and,

WHEREAS, pursuant to Article 11-A of the Town Law, the board of commissioners of a joint fire district shall have and exercise with respect to such district the applicable powers and duties of a board of fire district commissioners as prescribed by Town Law, with respect to similar functions of a fire district in a town and all of the provisions of Article 11 of the Town Law; and,

WHEREAS, pursuant to Article 11-A of the Town Law, the powers and duties of the board of fire commissioners for a joint fire district shall not include the power to acquire any real property or easement therein without first obtaining the prior approval of such village boards and town boards of each village or town in which any portion of the joint district is located unless, at a joint meeting held for the establishment of a joint fire district, a resolution is adopted in the same manner as the resolution for the establishment of the joint fire district to the effect that this restriction shall not apply.

Now Therefore Be It RESOLVED, pursuant to Article 11-A of the Town Law, that the Board of Commissioners of the Joint Fire District shall have and exercise with respect to such joint fire district all of the applicable powers and duties of a board of fire district commissioners as prescribed by Town Law, with respect to similar functions of a fire district in a town and all of the provisions of Article 11 of the Town Law; and,

It is further RESOLVED, that the powers and duties of the Board of Commissioners of the Joint Fire District shall not be subject to the restriction against acquiring any real property or easements therein set forth in section 189-f of the Town Law and shall have the authority to acquire for fire district purposes any real property or easements therein located within the bounds of the joint district without the prior approval of the Board of Trustees of the Village of Dolgeville, the Town Board of the Town of Manheim, and the Town Board of the Town of Oppenheim.

Roll Call Vote:

John Haughton, Supervisor	Aye	X	Nay	_____
Peter Jaikin, Councilmember	Aye	X	Nay	_____
Frederick Doerrer, Councilmember	Aye	X	Nay	_____
Kevin Snell, Councilmember	Aye	X	Nay	_____
Rodney Swartz, Councilmember	Aye	X	Nay	_____

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 23rd. day of May, 2016

Marie Gressler, Town Clerk

The Town of Oppenheim, and the Village of Dolgeville motioned, seconded and unanimously adopted a Resolution to Establish the Powers of the Board of Commissioners

Each board has to post and publish the Abstract with reference to permissive referendum within 10 days of this meeting.

No definite date was set for the next joint public meeting of the boards.

A Motion was made by Councilman Doerrer and was seconded by Councilman Snell to adjourn the joint public meeting at 8:12pm. Ayes All

Respectfully Submitted,

Marie Gressler