

Regular meeting of the Trustees, Village of Lyndonville was held on Tuesday, August 2, 2022 at the Village Hall. The meeting opened at 6:00 PM

PRESENT: Mayor: John Belson
Deputy Mayor: Danny Woodward Jr.
Trustees: Anne Marie Holland
Kimberly Kenyon
Terry Stinson

Clerk-Treasurer Teri Woodworth
Supt. of Public Works Terry M. Woodworth
Code Enforcement Officer Jason Raduns - Absent
Attorney Katherine Bogan - Absent
Fire Chief Michael Heideman

Town of Yates Supervisor: James Simon
Deputy Supervisor: John Riggi - Absent
Councilman: Harold Suhr
Susan Hrovat
Terry Chaffee

Town Clerk Michele Harling

Public: TJ Heideman, Gary White, Michael Wells, John Flanagan,
Jason Gerety, Pete Kage, Anna Schuner, Mike Tabor, Ken Starr

PRESENTATION OF A FIRE DISTRICT

- Brad Pinsky, JD/MHA discussed the plan and process for creating a new Fire District and dissolving the current fire protection district. He described five elements that needed to be decided upon for the resolution language and public information; the name of the Fire District, the number of commissioners, elected or appointed commissioners, elected or appointed treasurer, and the transfer of money and assets. He would also like to come up with a plan to schedule a public hearing. He explained that the first process is to form the Joint Fire District. The second process is to dissolve the Fire Protection District. He explained in detail the timing and publication requirements to comply with both of these processes and hoped that they could be put to vote on the same day.

Both Boards and those present from the Lyndonville Fire Company discussed the above-mentioned elements of the plan and decided upon the language to be used for the following resolutions. As a result of this discussion, the Yates Town Board asked several questions: who can serve as a Commissioner, can the newly formed Fire District accept gifts from the public and can they solicit gifts, what happens if they can't find enough people to run for commissioners, how are the appointments by the involved parties handled until the commissioners are elected and when do they need to be appointed by, proposed 2023 Lyndonville Fire District Budget clarification of the personal services line, how the tax pass through works once the taxes are collected by the Town Clerk especially with regard to payment to the Fire Company (how, when and how many), how does the Fire District fit in when the Town negotiates a new PILOT agreement, do the appointed commissioners have to live in the district, how the Village's lot should be split to transfer the fire hall to the fire company and would a new tax map number be created for the new parcel, what the original reserve fund was meant to cover in the past fire budgets, how the reserve money is handled/held until it can be transferred to the newly formed district, where would the money go if the voters did not vote to transfer the reserve money to the new district, how do we handle paybacks from payments made from the Town to the Village from the last budget cycle, how does a public referendum work and what is the process for that if the public so chooses that route, what is the average amount that the Town can expect to pay in legal fees to set up the new district and moving forward in future years, does the fire company feel that this is the best thing to do to achieve their mission and to do their mission better, does the fire company mind facing the public with regard to taxation and the political baggage that comes along with it, and if the Town passes a resolution to dissolve the fire district in September, will they have fire coverage until the new district is formed.

VILLAGE RESOLUTION 2022-88 & TOWN OF YATES RESOLUTION NO. 60-8/22

RESOLUTION REGARDING PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A JOINT FIRE DISTRICT

WHEREAS, the Town Board of the Town of Yates and the Board of Trustees of the Village of Lyndonville having duly convened on August 2, 2022 in joint session for the purpose of jointly considering the formation of a joint fire district, the objects and purposes for which is to consolidate the fire protection and rescue services within the area of the joint fire district, which is to be called the Lyndonville Joint Fire District, pursuant to the provisions of section 189-a of the Town Law and section 22-2210 of the Village Law, and

WHEREAS, such joint district would include all parcels of land within the incorporated limits of the Village of Lyndonville and all parcels of land in the Town of Yates currently within the Town of Yates Fire Protection District described more fully below,

WHEREAS, the majority of the members of said Town Board and Village Board of Trustees deem it in the public interest to hold a joint public hearing on the question of the formation of said joint fire district.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yates and the Board of Trustees of the Village of Lyndonville will hold a joint public hearing on **September 1, 2022 at 6:00 p.m.** at 148 North

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Main Street, Lyndonville, New York, to consider the proposed formation of a joint fire district to include all territory situated within the Town of Yates Fire Protection District, and the entire limits of the Village of Lyndonville, with all such territory being contiguous, and thus encompassing the entire Town of Yates, and to hear all persons interested in the establishment of the district;

BE IT FURTHER RESOLVED, that the Town Board and the Village Board of Trustees shall direct their respective clerks to cause notice of such public hearing to be published in a newspaper having general circulation in such town and village, at least once, and posted in five public conspicuous places in the Town of Yates Fire Protection District, outside the Village of Lyndonville, and in five public conspicuous places in the Village of Lyndonville, not less than ten (10) days before the date of the hearing, and that one of the posting requirements for each municipality may be fulfilled by posting such information on their respective websites, and that one of the posting requirements may be fulfilled by posting on their respective sign boards; and

BE IT FURTHER RESOLVED, that Notice of such joint public hearing also shall be served by the respective clerks upon the members of the Town Board of the Town of Yates and the members of the Board of Trustees of the Village of Lyndonville, by mail addressed to such members at their last known post office addresses, at least ten (10) days before the date of the hearing. Such notice shall contain a brief description of the boundaries of the proposed joint fire district, being the entire Town of Yates including all of the Village of Lyndonville, and of the objects and purposes for which it is proposed that a new district be created, and shall specify the single time when and place where the town and village boards will jointly meet to consider the proposal and to hear all persons interested in the establishment of the joint fire district.

ON MOTION of Town of Yates Councilman Hrovat, seconded by Town of Yates Councilman Chaffee,

Vote: 4 Ayes (Chaffee, Hrovat, Simon, Suhr); 0 Nays; 0 Abstain

ON MOTION of Trustee Holland, seconded by Trustee Woodward Jr.,

Vote: 4 Ayes (Belson, Holland, Kenyon, Woodward Jr.); 0 Nays; 0 Abstain

TOWN OF YATES RESOLUTION NO. 61-8/22

RESOLUTION TO ADOPT PROPOSED PLAN FOR DISSOLUTION OF LYNDONVILLE FIRE PROTECTION DISTRICT

WHEREAS, the Town Board of the Town of Yates and the Board of Trustees of the Village of Lyndonville having duly convened on August 2, 2022, in joint session for the purpose of jointly considering the formation of a joint fire district, to be called the Lyndonville Joint Fire District, pursuant to the provisions of section 189-a of the Town Law and section 22-2210 of the Village Law; and

WHEREAS, the Lyndonville Joint Fire District will include all parcels of land within the Town of Yates currently within the Yates Fire Protection District, and will include all parcels of land within the incorporated limits of the Village of Lyndonville; and

WHEREAS, the resolution creating the Lyndonville Joint Fire District is contingent upon the dissolution of the Yates Fire Protection District (or as it is otherwise known); and

WHEREAS, the Town Board of the Town of Yates proposed to dissolve the Yates Fire Protection District and to establish the Lyndonville Joint Fire District which will provide fire protection and first response emergency rescue services to the Town of Yates in the area currently encompassed in the Town of Yates Fire Protection District and in the territory of the Village of Lyndonville, thus being the entire Town of Yates; and

WHEREAS, General Municipal Law §773(2) provides that the Town Board for the Town of Yates may commence a dissolution proceeding for the Yates Fire Protection District, a local government entity, by endorsing a proposed dissolution plan.

NOW, THEREFORE, BE IT HEREBY RESOLVED AND ORDERED, pursuant to General Municipal Law § 774, the Town Board of the Town of Yates endorses the following Proposed Dissolution Plan:

- (a) The name of the local government entity to be dissolved is the Town of Yates Fire Protection District (or as it may otherwise be known);
- (b) The territorial boundaries of the entity are the entire territory of the Town of Yates outside the territorial limits of the Villages of Lyndonville;
- (c) The type and/or class of the entity is a fire protection district formed pursuant to Town Law § 170;
- (d) The Town Board estimates that the cost of dissolution of the Fire Protection District is five hundred dollars (\$500), which is the cost to provide a public hearing upon notice;

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- (e) The Town of Yates Fire Protection District has no public employees and does not need to provide any plan for the transfer or elimination of public employees;
- (f) The Town of Yates Fire Protection District does not have any assets, including but not limited to real and personal property, and thus the fair value thereof in current money of the United States is zero dollars (\$0);
- (g) The Town of Yates Fire Protection District does not have any liabilities and indebtedness, bonded or otherwise;
- (h) There are no agreements entered into with the between the Town of Yates Fire Protection District and the Town of Yates which must be terminated in order to carry out the dissolution;
- (i) The Town of Yates and the Village of Lyndonville have proposed and approved the establishment of the Lyndonville Joint Fire District, through which all of the residents of the Town of Yates Fire Protection District will continue to be furnished firefighting services from the Lyndonville Fire Department, following the dissolution of the Yates Fire Protection District and the formation of the Lyndonville Joint Fire District;
- (j) As the Yates Fire Protection District does not have assets, there are no terms for the disposition of the entity's assets and the disposition of its liabilities and indebtedness, including the levy and collection of the necessary taxes and assessments therefor;
- (k) There are no local laws, ordinances, rules or regulations of the Yates Fire Protection District which shall remain in effect after the effective date of the dissolution or shall remain in effect for a period of time other than as provided by section seven hundred eighty-nine of this title;
- (l) The effective date of the proposed dissolution will be upon the expiration of the time for the public to file for a referendum in this dissolution proceeding or in the formation of the Lyndonville Joint Fire District, whichever is later;
- (m) The time and place or places for a public hearing or hearings on the proposed dissolution plan pursuant to General Municipal Law § 776, will be September 1, 2022 at 6:30 pm, at 148 N Main Street, Lyndonville, New York and
- (n) There are no other matters desirable or necessary to carry out the dissolution.

IT IS FURTHER RESOLVED, that the Town Clerk for the Town of Yates shall post and publish the proposed dissolution plan within the fire protection district and on its website and provide notice to the public as further required by law, and

IT IS FURTHER RESOLVED, that the Town Board for the Town of Yates shall hold at least one public hearing on the dissolution, which shall be held on **September 1, 2022 at 6:30 p.m.** at 148 N. Main Street, Lyndonville, New York, to consider the dissolution of the Yates Fire Protection District, such meeting immediately following the public hearing on the formation of the Lyndonville Joint Fire District; and

IT IS FURTHER RESOLVED, that following the conclusion of the public hearing the Town Board shall meet to take such other and further action on the part of said Board with relation thereto as may be authorized and prescribed by law, including but not limited to a resolution on the dissolution of the fire protection district.

ON MOTION of Town of Yates Councilman Chaffee, seconded by Town of Yates Councilman Suhr,

Vote: 4 Ayes (Chaffee, Hrovat, Simon, Suhr); 0 Nays; 0 Abstain

- Clerk-Treasurer Woodworth presented both Boards with the roof quote for the Fire Hall and asked for approval to move forward with the bid process. Town of Yates Supervisor Simon agreed to move forward with the bid process.

RESOLUTION NO 2022-89
FIRE HALL ROOF PROJECT OUT TO BID

ON MOTION of Trustee Woodward Jr., seconded by Trustee Holland, to move forward with the bid process for the Fire Hall roof.

Vote: 4 Ayes (Belson, Holland, Kenyon, Woodward Jr.); 0 Nays; 0 Abstain

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ON MOTION of Trustee Holland, seconded by Trustee Kenyon, to adjourn the meeting at 7:57PM.

Vote: 4 Ayes (Belson, Holland, Kenyon, Woodward Jr.); 0 Nays; 0 Abstain

Teri M. Woodworth
Clerk-Treasurer