Town of Yates/Village of Lyndonville
Public Hearing and Joint Meetings
148 North Main Street, Lyndonville, NY 14098
September 1, 2022, 6:00PM

Present: Brad Pinsky, JD/MHA
Jim Simon, Supervisor
John Riggi, Councilman
Susan Hrovat, Councilman
Terry Chaffee, Jr., Councilman
Harold Suhr, Councilman
Michele Harling, Town Clerk
John Belson, Mayor
Danny Woodward, Deputy Mayor
Anne Marie Holland, Trustee
Kimberly Kenyon, Trustee
Terry Stinson, Trustee
Teri Woodworth, Clerk-Treasurer

Others:

Anna Schuner	Jim Scharlau	Michael Tabor
Larry Wolfe	Peter Kage	Susan Weber
Kristine Hydock	Scott Goetze	Dave Hydock
Keith E.M. Weaver	Jim Wells	Wesley Bradley
Henrietta Helsdon	Edward Jay	Mike Wells
Corey Hydock	Noelle Widemer	Greg Schuner
James Hydock		

RESOLUTION NO. 68-9/22

PLEDGE OF ALLEGIANCE

RESOLUTION TO OPEN THE PUBLIC HEARING ON PROPOSED FORMATION OF JOINT FIRE DISTRICT

RESOLVED, to open the Public Hearing at 6:00PM.

Offered by Trustee Woodward, Jr.
Seconded by Trustee Kenyon

5 Ayes 0 Nays

Motion: Carried

Offered by Councilman Hrovat, who moved its adoption
Seconded By: Councilman Chaffee

5 Ayes 0 Nays

Motion: Carried

PUBLIC HEARING

Notice of said Public Hearing was duly published in the Batavia Daily News on August 6, 2022, August 13, 2022, August 20, 2022 and August 27, 2022 and posted at the Yates Town Hall, Town of Yates website, Lyndonville Village Hall, Village of Lyndonville website, Yates Community Library, Lyndonville Post Office, Lyndonville M&T Bank, Dutch Country Store, White Birch Golf Course, and Spencer's the Country Store.

The purpose of such Public Hearing is 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.

Brad Pinsky explained how he works with municipalities to create Fire districts. He explained that he is completely neutral without any allegiance to one side or the other which is important. He explained why we were here today and said that this meeting is a public hearing and all questions are welcome. He discussed the proposal of creating a joint fire district which means that it includes a Village and at least a part of the Town. In this case, it includes the Village and every square inch of the Town. It will bring all of the fire protection under a new government and it puts all fire protection at an equal playing field. There will be the following changes:

1) The Fire District will be administered by a board of 5 Commissioners. These decisions have already been made by the Boards. They will be elected annually by the residents to allow for a lot more participation by the residents. The first 5 Commissioners will be appointed by the Town Board; the Village and Yates Boards have already agreed on the first 5 Commissioners. They will serve for 1 year until December 2023. On the second Tuesday of December 2023 the residents will elect 5 new Commissioners for a 1, 2, 3, 4 and 5 year term.

2) There will be a lot more public input when it comes to Fire District spending. The public must approve all financing. All of the fire budgets are subject to public input through public hearings and must be voted on by the residents within the District.

3) The Fire District rate will be equalized- everyone will pay the same rate per thousand inside and outside of the Village.

PUBLIC COMMENT

Ed Jay, Town of Yates, asked what an equalized tax rate was based upon, is it assessments of homes?

Brad Pinsky said yes, the total taxable assessed valuation. The Fire District tax is an ad valorem tax like the Town tax rate and is applied the same way. Everyone will pay the same rate per thousand based on their assessment.

Scott Goetze, Town of Yates, asked if the fire department will have the same opportunity to do mutual assists to other communities. Will they be able to go out of district?

Brad Pinsky said yes, nothing operationally changes at the fire department. Fire protection will not change in any way. It may improve because now we will have 5 community members focusing only on fire protection. He believes that the fire department is fully in support of this.

Members of the fire department replied yes.

Supervisor Simon said that the Fire Commissioners do not have the authority to dictate operations to the fire company.

Brad Pinsky said correct, they are strictly prohibited by law from interfering in the fire company's operations.

Scott Goetze asked if the Commissioners will work with the Chief and his support staff to discuss the needs of the fire department. Will they be expected to supply technical data to support their requests? Are the Commissioners expected to go out and research or can they rely on the Fire Chief to supply that information?

Brad Pinsky said that this is one option. The Commissioners can form a committee of their own or they can rely on the fire department to go out for equipment purchasing and bidding. Fire districts have to bid for all of their equipment. The Fire District laws are modeled after the Village laws. He also said that there is not a single executive to the district. There is not a Supervisor or Mayor of the Fire District. No one Commissioner has the authority to do anything; it takes a quorum and 3 Commissioners present to take any action.

Supervisor Simon added that there can be a Chair amongst the 5 Commissioners. There will also be a Treasurer and a Secretary of the Fire District.

Brad Pinsky explained that by law there has to be a Secretary. The Fire District will be subject to FOIL and open meeting laws. The Secretary will post notices, may support a website, take minutes, and make sure that the public has access to all records. It's a big job.

There are 2 choices for a Treasurer- either a Treasurer can be elected for a 3 year term by the public which he very much opposes because if you get a bad Treasurer you're stuck with them for 3 years or the 5 Commissioners can choose and appoint a Treasurer that is qualified and willing to do the work. It's a big obligation because the law heavily regulates what a Treasurer of a Fire District can and cannot do. The Town and Village have decided on an appointed Treasurer for 1 year terms. They will do all public reporting. By March 1st, they have to put out the AUD for the public which will be online. This Village already itemizes all of the expenses for the Fire Department which is not the norm. Most of the time you can't figure what is spent in the fire company but it's much easier in Lyndonville because the financials are already itemized. We will see the same transparency in the new Fire District.

Scott Goetze asked if the Commissioners will be signing any contracts for their initial 12 month appointments by the Yates Town Board. He is good at setting up programs but has no interest in going beyond that. He wants to make sure that there is no obligation for the current Commissioners to sign contracts at the end of their 12 month appointment. He only asks because this is new to all involved. He asked how many months/years will the Commissioners have attorney advice on retainer.

Brad Pinsky said that they will not have to sign any kind of a contract and they are free to quit at any time. He said that the Commissioners would have attorney advice until the end of the year. He said he

would love to work with the new District after that but they would be free to hire any Attorney. Brad will be the attorney through this whole process.

Mayor Belson said that Brad Pinsky was the Lyndonville Fire Department's attorney prior to this process. Brad has been their attorney for 10-12 years.

Brad Pinsky said yes, since the Larry Lonigan days. He's helped with the Fire Company's by-laws, tax returns, tax status and annual filings and reports.

Supervisor Simon said that they had asked the fire company to give the Town Board a proposed budget and that there was a good $4,000.00 - $5,000.00 put into the budget line for legal representation/attorney retainer for next year. A Commissioner would review that line to consider if that is enough or if it's too much; he thinks that there should be some amount in that line for legal representation.

Brad Pinsky said that what they normally propose to do is start on the administrative policies, financial policies, personal conduct policies like workplace violence and sexual harassment, OSHA and PESH-things that are very specific to Fire Districts to start getting the new district ready for January 1st. He has found that he is very active with the new District for a year and then after that they usually have got it. He usually talks most with the Secretary and the Treasurer. His anticipated legal costs for the District are $2,500.00 a year once everything is in place. He wants to make sure that the new District succeeds. He added that he has found through his years both as an attorney and serving personally in a fire company that Fire Commissioners usually serve for many, many years. There is something about the job that people love to do. He believes it's because they are administering emergency services for the betterment of their community to make sure that there is fire protection.

RESOLUTION NO. 69-9/22

RESOLUTION TO CLOSE THE PUBLIC HEARING ON PROPOSED FORMATION OF JOINT FIRE DISTRICT

RESOLVED, to close the Public Hearing at 6:24PM.

Offered by Trustee Woodward, Jr.
Seconded by Trustee Holland

5 Ayes 0 Nays

Motion: Carried

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 70-9/22

RESOLUTION TO OPEN THE PUBLIC HEARING ON PROPOSED DISSOLUTION OF YATES FIRE PROTECTION DISTRICT

RESOLVED, to open the Public Hearing at 6:25PM.

Offered by Councilman Chaffee, who moved its adoption
Seconded By: Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

PUBLIC HEARING

Notice of said Public Hearing was duly published in the Batavia Daily News on August 11, 2022, and posted at the Yates Town Hall, Town of Yates website, Yates Community Library, Lyndonville Post Office, Lyndonville M&T Bank, Dutch Country Store, White Birch Golf Course, and Spencer's the Country Store.

The purpose of such Public Hearing is to consider the dissolution of the Yates Fire Protection District.

Brad Pinsky asked three times for any questions about the dissolution of the current Fire District.

PUBLIC COMMENT

Deputy Mayor Woodward mentioned that if the current Fire District dissolves tonight, the Town and Village would still have the same fire protection, nothing will change.

Brad Pinsky said that the fire coverage will not change at all. He added that both of these resolutions are subject to permissive referendum. That means that if a certain number of the public wanted to petition and get a certain number of residents to sign the petition, it would force a mandatory vote on either of the resolutions to form the new district or dissolve the old district.

Supervisor Simon said that both the Village and the Town have made public notice but will be reposting to set the 30 day referendum clock to allow for the public to make this decision.

Brad Pinsky said yes, and at the end of this 30 day clock, the new District will be formed, aside from some paperwork. The paperwork is some filing with the State Comptroller. The State Comptroller will come and reassess the Town and Village to lower their budget and readjust their 2% tax cap. The gap cannot be taxed or filled with other expenditures.

RESOLUTION NO. 71-9/22

RESOLUTION TO CLOSE THE PUBLIC HEARING ON PROPOSED DISSOLUTION OF YATES FIRE PROTECTION DISTRICT

RESOLVED, to close the Public Hearing at 6:29PM.

Offered by Councilman Riggi who moved its adoption
Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 72-9/22

RESOLUTION TO OPEN THE JOINT MEETING ON THE FORMATION OF JOINT FIRE DISTRICT

RESOLVED, to open the joint meeting at 6:31PM.

Offered by Trustee Woodward, Jr.
Seconded by Trustee Holland

5 Ayes 0 Nays

Motion: Carried

Offered by Councilman Chaffee, who moved its adoption
Seconded By: Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 73-9/22

JOINT RESOLUTION TO FORM 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 September 1, 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, such joint fire district would include all parcels of land within the incorporated limits of the Village of Lyndonville and the following parcels of land in the Town of Yates, respectively:

Town of Yates Fire Protection District

"All of that land in the Town of Yates which lies outside of the Village of Lyndonville."

Such that the joint fire district encompasses the entire Town of Yates including the Village of Lyndonville.

WHEREAS, the Town Board of the Town of Yates and the Board of Trustees of the Village of Lyndonville have each caused Notice of a Joint Public Hearing to be published in the Batavia Daily News on August 6, 13, 20, and 27, 2022; and

WHEREAS, the Town Board of the Town of Yates and the Board of Trustees of the Village of Lyndonville have caused Notice of a Joint Public Hearing to be posted in at least five (5) public places within the fire protection district within the Town of Yates and five public places within the Village of Lyndonville for at least ten (10) days; and

WHEREAS, the Town Clerk for the Town of Yates and the Village Clerk for the Village of Lyndonville mailed Notice of the Joint Public Hearing to each of the members of their respective governing bodies, at least ten (10) days in advance of the Joint Public Hearing; and

WHEREAS, the Town Board of the Town of Yates and the Board of Trustees of the Village of Lyndonville held a joint public hearing on September 1, 2022 at 6:00 p.m. at the Lyndonville Fire Department at 148 North Main Street, Lyndonville, New York, at which time the Boards heard all those wishing to be heard on the question of the formation of said joint fire district; and

WHEREAS, the creation of the Lyndonville Joint Fire District is agreed to be contingent upon the dissolution of the fire protection district in the Town of Yates by the Town of Yates, a proceeding which has commenced and remains in process; and

WHEREAS, said Town Board and Board of Trustees have considered the evidence and objections presented at said public hearing, be it

RESOLVED AND ORDERED, that, it is in the public interest to form the said Lyndonville Joint Fire District, that all property, property owners and interested persons in the proposed joint fire district are benefitted thereby, all property and property owners benefited are included therein, and only such property and property owners as are benefited shall be included therein, and that said joint fire district be, and hereby is formed and established subject to permissive referendum as provided in sections 90 and 189-a of the Town Law, and that the territory to be included in the Lyndonville Joint Fire District shall be comprised of all of the Village of Lyndonville as well as the following areas:

Town of Yates Fire Protection District

All that portion of the Town of Yates which lies outside of the Village of Lyndonville.

Such that the joint fire district encompasses the entire Town of Yates including the Village of Lyndonville.

IT IS FURTHER RESOLVED, that subject to the provisions of section 189-e of the Town Law, the property and affairs of the Lyndonville Joint Fire District shall be under the management and control of a publicly elected board of five fire commissioners, elected each year by the voters of the District, pursuant to Article 11 of the Town Law, but whose initial appointments shall be for the terms set forth in section 189-e of the Town Law; and

IT IS FURTHER RESOLVED, that pursuant to section 189-e of the Town Law, the Town Board of the Town of Yates, after consultation with the Village Board of the Village of Lyndonville, hereby intends to appoint the following persons as Fire Commissioners for the Lyndonville Fire District, each of whom shall serve until December 31, 2023:

Commissioner 1: **Terry Woodworth**

Commissioner 2: **James Hydock**

Commissioner 3: **John Flanagan**

Commissioner 4: **Scott Goetze**

Commissioner 5: **Ed Jay**

IT IS FURTHER RESOLVED, that the Lyndonville Joint Fire District shall have all the powers enumerated in Article 11 of the Town Law, Section 176, including but not limited to the power to acquire or purchase easements or property, both real and personal, as well as dispose of easements or property, both real and personal, without any further approval of the boards of the Town of Yates and the Village of Lyndonville; and

IT IS FURTHER RESOLVED, that subject to the provisions of section 189-g of the Town Law, there shall be a treasurer appointed by the Board of Fire Commissioners annually; and

IT IS FURTHER RESOLVED, that the creation of the Lyndonville Joint Fire District is contingent upon the dissolution of the Yates fire protection district, whose territory is now encompassed within this Joint Fire District, and

IT IS FURTHER RESOLVED, that upon the passage of the time for a permissive referendum as provided in sections 90 and 189-a of the Town Law, the Town Board for the Town of Yates and the Board of Trustees of the Village of Lyndonville shall meet separately, if desired, to pass resolutions related to the confirmation of the initial appointment of five fire commissioners who shall be hereafter elected pursuant to Article 11 of the Town Law, the transfer of firefighting assets of the Village of Lyndonville to the Lyndonville Joint Fire District and the transfer of funds, if any, related to the provision of fire protection, from the Village of Lyndonville to the Lyndonville Joint Fire District.

RESOLUTION NO. 74-9/22

RESOLUTION TO CONVENE AN EXECUTIVE SESSION TO DISCUSS THE FORMATION DETAILS OF THE JOINT FIRE DISTRICT

Offered by Councilman Riggi, who moved its adoption
Seconded by Councilman Chaffee

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 75-9/22

RESOLUTION TO RECONVENE REGULAR MEETING FROM YATES BOARD EXECUTIVE SESSION

Offered by Councilman Hrovat, who moved its adoption
Seconded by Councilman Chaffee

5 Ayes 0 Nays

Motion: Carried

Brad Pinsky explained that after this process, the Village Board will have a bunch of assets. The Village will meet later to talk about transferring over money, assets and equipment; it's a whole separate issue. You could technically have a new Fire District without any assets. There has already been discussion about transferring this over to the Fire Company. That will be a Village only meeting. The land will need to be sub-divided.

Mayor Belson said that the footprint for this has already been set up.

Mayor Belson called for a motion to form the Joint Fire District with the Town of Yates and the Village of Lyndonville.

Offered by Trustee Holland
Seconded by Trustee Woodward, Jr.

5 Ayes 0 Nays

Motion: Carried

Supervisor Simon called for a motion to form the Joint Fire District with the Town of Yates and the Village of Lyndonville.

Offered by Councilman Chaffee, who moved its adoption
Seconded by Councilman Hrovat

Councilman Riggi submitted comments on the implementation of the Town of Yates Fire District to be made a part of the permanent record. He congratulated the Town, Village and Fire Department for their efforts to get to this point and he believes that we are close and that there may be value in a separate Fire District for the Town. He feels that as an elected representative of the Town, his job is to ensure that all decisions benefit the constituency. He believes that there are still questions to be answered and will be voting no on all resolutions for the following reasons:

1- How do we define a successful fire district?
2- What metrics have been developed to track fire district performance to its mission statement both operationally and financially?
3- Given village and town population, what is the tangible value of an additional taxing authority to the constituency?
4- Will the advent of a separate fire district, in and of itself increase LFD membership, as has been indicated, given that the new taxing authority will keep taxes the same?
5- What improvements in services will be realized from the advent of a Fire District?
6- What qualifications are required for a successful financial and operational function of the fire district and are those qualifications currently represented in the fire district management?

He added that with every one of these questions, he would be happy to assist. He believes that these are the questions that are probably on the minds of the Fire District Commissioners and asks how we can ask the new Commissioners to "commission" and manage the new taxing authority without giving them the

tools to accomplish the work. He said we need to ensure that the mission, metrics, resources and staff are in place to successfully operate a new taxing authority. If these questions and concerns can be addressed in the short term, then he would be an enthusiastic "Yes" to the Fire District.

Supervisor Simon said that his process to this point in forming a new Fire District has been formed by a number of things such as, the annual knock down drag out fights with the Village and the Fire Chiefs over the budget. A lot of times this did not involve any expertise of fire service on his part, just questions that he was used to asking from his long career in the Air Force. Some questions were answered, some left unanswered. He was approached 6-7 months ago by members from the Fire Company and the question of a Fire District started to take root. He was hesitant at first but wanted to have the conversation. There were points along the way where he had his doubts because most of the people in this room have generational ties and he and Councilman Riggi do not so he has felt like an outsider at times and wondered if there was a political gambit here or something that does not meet the eye. Because of the way that he and Councilman Riggi came on the Yates Town Board, they have always had to think 3-4 moves down the road before they made any decisions because they didn't know where people were coming from because they didn't have the personal background. He believes that people have found that he and the Yates Board asks a lot of questions because they feel like they're doing their due diligence. Then they hit an interesting moment when they thought they knew how the process of appointing commissioners worked but it was incorrect so that set them back. Once they realized that the Town Board made all of the initial appointments they asked for input form the Mayor and the Fire Company and received great input. He believes that the 5 Commissioners chosen are a great representation of this area. Lastly, behind the scenes they saw that there was some work being done to clarify the budget. He said the work put in to the draft budget was very informative and gave the board comfort knowing that they would have a sane budget that was not going to set a whole new level of taxation to the constituents. Ultimately he is a yes vote with all of the same concerns as Councilman Riggi, who had good questions. Supervisor Simon would also be willing to help in answering these questions.

Councilman Hrovat said that she has only been on the Town Board a couple of years and was surprised at the amount that the Town contributes toward the fire budget; Town- 80%, Village- 20%. She was very confused at the increase in the budget from year to year and was frustrated because the Town Board was constantly battling to get information and a copy of the fire budget. She explained that the Lyndonville Fire Department was always there for her family and she appreciates that and backs the Fire Department 100%. She struggled not having the answers she was looking for so the Board put together committees to figure out what the increases were for. She believes that it's hard to spend the amount of time that is really needed to go back and forth with everything else that's going on. She said that the Town Board is not comprised of experts that know about fighting fires, equipment needs or training requirements. They have to consider the needs/wants of their constituents and are responsible for a lot of money. She recognizes that you cannot put a dollar value on a person's life but the bottom line is that they are responsible for trying to figure out how to pay for the annual increases. This is a win because now there will be a group of people that know what they need, what training is required and will be able to stand up and say this is what we need and why. The new District will be able to justify their budgets and will have accountability to the residents. She is 100% for this and has great faith in their success.

Councilman Suhr said that he was part of the interview process for the new Commissioners and he has 100% confidence in the Boards appointments. He said that if they can't do it, nobody can do it. He believes they have 5 great guys and that's all he needs to know.

Councilman Chaffee said that when he got voted on the Board, this has been the majority of what the Town and Village want and he has not heard anybody that disagrees with the joint Fire District so he will be a yes vote.

4 Ayes 1 Nay (Councilman Riggi)

Motion: Carried

VILLAGE OF LYNDONVILLE

_____

John Belson, Mayor

_____

Anne Marie Holland, Village Trustee

_____

Kimberly Kenyon, Village Trustee

_____

Terry Stinson, Village Trustee

_____

Danny Woodward Jr., Village Trustee

STATE OF NEW YORK)
)ss:
COUNTY OF ORLEANS)

I, Teri M. Woodworth, Clerk-Treasurer of the Village of Lyndonville, in the County of Orleans, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order with the original thereof filed in my office, and that the same is a true and correct copy of said original and of the whole thereof so far as the same relates to the subject matters referred to therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this ___ day of September, 2022.

_____

Teri M. Woodworth, Village Clerk-Treasurer

TOWN OF YATES

_____

James Simon, Supervisor

_____

Susan Hrovat, Councilman

_____

Harold Suhr, Councilman

_____

Terry Chaffee, Jr., Councilman

_____

John Riggi, Councilman

STATE OF NEW YORK)
)ss:
COUNTY OF ORLEANS)

I, Michele Harling, Clerk of the Town of Yates, in the County of Orleans, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order with the original thereof filed in my office, and that the same is a true and correct copy of said original and of the whole thereof so far as the same relates to the subject matters referred to therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this ___ day of September, 2022.

_____

Michele Harling, Town Clerk

ABSTRACT OF RESOLUTION CREATING LYNDONVILLE JOINT FIRE DISTRICT SUBJECT TO PERMISSIVE REFERENDUM

PLEASE TAKE NOTICE that on September 1, 2022, the Town of Yates Town Board and the Village of Lyndonville Village Board each approved a Joint Resolution, that it is in the public interest to establish the Lyndonville Joint Fire District, and that the resolution establishing such joint fire district is subject to permissive referendum as provided in sections 90 and 89-a of the Town Law. The Town Board and the Board of Trustees considered the evidence and any objections presented at a joint public hearing, held on September 1, 2022, regarding the establishment of the said Lyndonville Joint Fire District. The joint fire district will include all parcels of land within the incorporated limits of the Village of Lyndonville as well as the following territories:

Lyndonville Joint Fire Protection District

All that portion of the Town of Yates which lies outside of the village of Lyndonville.

So that the Joint Fire District encompasses the entire Town of Yates including the Village of Lyndonville.

The Town Board of Yates and the Village Board of Lyndonville's Trustees resolved that the property and affairs of the Lyndonville Joint Fire District shall be under the management and control of an elected board of five fire commissioners, elected each year by the voters of the District, pursuant to Article 11 of the Town Law. The Lyndonville Joint Fire District shall have all the powers enumerated in Article 11 of the Town Law. Upon the passage of thirty (30) days following publication of this notice, the Town Board for the Town of Yates and the Board of Trustees of the Village of Lyndonville shall meet to pass a resolution confirming the initial appointment of five fire commissioners and their terms of office, as identified in the joint resolution establishing the Lyndonville Joint Fire District, who shall be thereafter elected pursuant to Article 11 of the Town Law, or may have approved the commissioners which shall automatically be deemed approved upon passage of this permissive referendum period.

Any person wishing to Petition for a mandatory referendum on the question of the Joint Fire District shall submit a proper petition within thirty (30) days of the date of publication to the Town Clerk.

RESOLUTION NO. 76-9/22

RESOLUTION TO CLOSE THE JOINT MEETING ON THE FORMATION OF JOINT FIRE DISTRICT

RESOLVED, to close the joint meeting at 6:54PM.

Offered by Councilman Riggi
Seconded by Councilman Hrovat

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 77-9/22

RESOLUTION TO OPEN THE TOWN MEETING ON DISSOLVING YATES FIRE PROTECTION DISTRICT

RESOLVED, to open the Town meeting at 6:55PM.

Offered by Councilman Suhr
Seconded by Councilman Chaffee

5 Ayes 0 Nays

Motion: Carried

RESOLUTION NO. 78-9/22

RESOLUTION DISSOLVING YATES FIRE PROTECTION DISTRICT

WHEREAS, the Town Board of the Town of Yates having duly convened this date for the purpose of holding a public hearing to take public comment on the proposed dissolution of the Yates Fire Protection District, within the Town of Yates, pursuant to the provisions of General Municipal Law, Article 17-A, and

WHEREAS, such dissolution of the fire protection district is a necessary prerequisite for the establishment of a joint fire district encompassing 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 Yates Fire Protection District, and

WHEREAS, the majority of the members of the Town Board endorsed the proposed dissolution plan, attached hereto as Schedule A, and

WHEREAS, the Town Board has held the public hearing on the endorsed proposed dissolution plan, and has considered any comments made by members of the public, now

BE IT RESOLVED AND ORDERED, that the Town Board of the Town of Yates determines that it is in the public interest to dissolve the Yates Fire Protection District pursuant to the proposed dissolution plan for the dissolution of the Yates Fire Protection District, attached hereto as Schedule A, and

BE IT FURTHER RESOLVED AND ORDERED that the Town Clerk is hereby directed to cause a certified copy of this resolution to be duly recorded in the office of the clerk of Orleans County and shall, within ten days cause a certified copy of this resolution to be filed in the New York State Department of Audit and Control at Albany, New York, and

BE IT FURTHER RESOLVED AND ORDERED that, as the condition precedent to the establishment of the Lyndonville Joint Fire District has now been met with the resolution to dissolve the Yates Fire Protection District, the Town Clerk is hereby directed to cause a certified copy of the resolution establishing the Lyndonville Joint Fire District to be duly recorded in the office of the clerk of Orleans County and shall, within ten days cause a certified copy of the resolution establishing the Lyndonville Joint Fire District to be filed in the New York State Department of Audit and Control at Albany, New York.

Offered by Councilman Chaffee, who moved its adoption
Seconded by Councilman Suhr

4 Ayes 1 Nay (Councilman Riggi)

Motion: Carried

James Simon, Supervisor

Susan Hrovat, Councilman

Harold Shur, Councilman

Terry Chaffe, Jr., Councilman

John Riggi, Councilman

BY ORDER OF THE TOWN BOARD OF THE TOWN OF YATES
Dated: September 1, 2022
Michele Harling, Town Clerk

SCHEDULE A

Proposed Plan for the Dissolution of the Yates Fire Protection District

The Town Board for the Town of Yates hereby proposes, pursuant to General Municipal Law, section 774, the following as its dissolution plan for the dissolution of the Yates Fire Protection District:

(a) the name of the local government entity to be dissolved is Yates Fire Protection District;

(b) the territorial boundaries of the entity to be formed in place of the fire protection district to be dissolved is the entire territory of the former Yates Fire Protection District in the Town of Yates and all of the territorial limits of the Village of Lyndonville in the County of Orleans, New York;

(c) the local government entity to be dissolved is a fire protection district located within the territorial boundaries of the Town of Yates, County of Orleans;

(d) the fiscal estimate of the cost of dissolution is less than $500.00;

(e) there are no public employees of the fire protection district to be transferred or eliminated;

(f) the entity has no assets; the entity does not own any real or personal property; the fair value thereof in

current money of the United States of the entity's assets is $0.00;

(g) the entity has no liabilities or indebtedness, bonded and otherwise; the fair value thereof in current money of the United States is $0.00;

(h) there are no agreements entered into with the Town of Yates to carry out the dissolution;

(i) the manner and means by which the residents of the entity will continue to be furnished municipal services following the entity's dissolution are by the services of the Lyndonville Fire Department which will be the fire department of the Lyndonville Joint District upon its establishment;

(j) as there are no assets or liabilities of the entity, 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 entity, and thus, none shall remain in effect after the effective date of the dissolution and none 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 of the Yates Fire Protection District is contingent upon the establishment of the Lyndonville Joint Fire District and dissolution will be effective upon the commencement of administrative and operational activity of the Lyndonville Joint Fire District;

(m) the public hearing on the dissolution of the Yates Fire Protection District, shall be held on the 1ST day of September, 2022 at the Lyndonville Fire Department, which shall commence at 6:00 pm;

(n) there are no other matters desirable or necessary to carry out the dissolution of the Yates Fire Protection District.

CERTIFICATION

STATE OF NEW YORK)

COUNTY OF ORLEANS) ss.:

I, Michele Harling, Clerk of the Town of Yates, in the County of Orleans, New York, DO HEREBY CERTIFY that I have compared the preceding Resolution and Order with the original thereof filed in my office, and that the same is a true and correct copy of said original and of the whole thereof so far as the same relates to the subject matters referred to therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this _____ day of September, 2022.

_____

Michele Harling, Town Clerk

Brad Pinsky explained that the Clerks will post the resolutions that were approved tonight to give public notice for the 30 day clock to petition against it. The petition forms will be available at the Village and Town Clerk's Offices. After the 30 days if nobody petitions with enough signatures against the new Fire District, then the district is formed after the necessary filings are done.

Mayor Belson thanked the Town for their cooperation. He introduced the new Fire Commissioners that were present at the meeting.

ADJOURNMENT

Moved by Councilman Riggi, Whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:08PM.
Seconded by Councilman Suhr

Moved by Trustee Woodward, Jr., Whereas there is no new business to be brought before the Board, the meeting is adjourned at 7:08PM.
Seconded by Trustee Holland

Respectfully Submitted,
Michele L. Harling
Yates Town Clerk

Comments Submitted By Councilman, John Riggi:

Comments on the Implementation of the Town of Yates Fire District

I congratulate the Town, Village and Fire Department for the efforts put forth to get us to this point regarding the Fire District proposal (ground work and interview of potential commissioners). We are close. I believe that there may be value in a separate Fire District for the Town. However, as an elected representative of the Town of Yates, my job is to ensure that all decisions benefit the constituency. As such, there are still questions to be answered and issues to be resolved before moving forward with the Fire District. With these questions and responsibilities in mind and the surety that the constituency will ask these questions, I am voting "NO" on all resolutions at present for the following reasons:

1. **How do we define a successful fire district?** That is, what benefit does the Fire District bring to the constituency? There is no way to express these ideas without a mission statement. What is the mission statement for the fire district? would be happy to assist in developing the mission statement.

2. **What metrics have been developed to track fire district performance to its mission statement both operationally and financially?** How will the Fire District measure success? Performance metrics will illustrate the benefit of the District to the constituency. Without these measures, the District, Village and Town will not be able to appropriately answer questions nor will we be able to defend our decision implementing this new taxing authority to the constituency. I would be happy to assist in developing metrics.

3. **Given village and town population, what is the tangible value of an additional taxing authority to the constituency?** Again, mission statement and metrics will address this issue. It is reasonable to assume and expect questions from the constituency on tangible value. Those questions will be posed to the District as they are currently to the Town. The constituency wants to get their money's worth and metrics accomplish this goal. Again, I would be happy to assist in developing these metrics.

4. **Will the advent of a separate fire district, in and of itself increase LFD membership, as has been indicated, given that the new taxing authority will keep taxes the same?** How does a Fire District enhance the Fire Department's abilities to increase membership? Again, metrics are required. Again, I would be happy to assist in developing these metrics.

5. **What improvements in services will be realized from the advent of a Fire District?** Again, what metrics will be utilized to measure and drive success? Again, I would be happy to assist in developing these metrics.

6. **<u>What qualifications are required for successful financial and operational function of the fire district and are those qualifications currently represented in the fire district management?</u>** As a taxing authority, the Fire District will be required to function as a governmental agency with budgeting, legislative and executive responsibilities. Does this expertise currently exist within the proposed Fire District? Is additional training needed? If so, should this not be accomplished prior to the implementation of the new taxing authority"?

These questions are most likely on the mind of the Fire District Commissioners recently interviewed. How can we ask commissioners to "commission" and manage the function of the new taxing authority without giving them the tools (Mission Statement, metrics and training) with which to accomplish this work. We would be setting the commissioners up for failure and none of us want that.

In closing, we need to ensure that mission, metrics, resources, staff are in place to successfully operate a new, separate taxing authority. If these questions and concerns can be addressed in the short term (in a few weeks or months), then I would be an enthusiastic "Yes" to the Fire District. However, until then I must vote no for the constituency.

Thank You.

John B. Riggi

Councilman, Town of Yates

September 1, 2022