

Special Town Board Meeting held August 31, 2015 at 6:30 P.M. at the Town Hall

in Schroon Lake N.Y.

Present:

Town Supervisor: Michael Marnell

Councilpersons: Roger Friedman, Clara Phibbs, Don Sage and Meg Wood

Town Clerk: Patricia Savarie

Also Present: Mel Ohara, Robert Hafner, Albert May, Rosemarie Ritson,
Jay Phibbs, Dick Newell, Marcia Hartnett, Dave Feltz, Lynn Gifford,
Brent DeZalia, Chris Barror, Jared Whitley, Lester McCoy,
Rodney Secor, Lynn Donaldson, Chris Stone, Arlene Whitty,
Dan and Anna Hay and Alan Wemett

Supervisor Marnell called the meeting to order at 6:30 P.M. with a salute to the Flag.

Supervisor Marnell introduced Robert Hafner, who represents Miller, Mannix, Schachner and Hafner, LLC Attorney at Law, to discuss the dissolution of the Fire Protection district and the procedure for conversion for the Town of Schroon. Mr. Hafner stated there was many steps to go through but that he will help the Town of Schroon in doing so.

PROCEDURE FOR “CONVERSION”

Cannot be co-terminus – Fire Protection District must be dissolved and Fire District established; coordination of effective dates needed to avoid interruption of fire protection services.

Dissolution of Fire Protection District – Now governed by General Municipal Law Article 17-A: the “New N.Y. Government Reorganization and Citizen Empowerment Act”:

1. **Proposed Dissolution Plan** – The Town Board may commence dissolution proceedings by adopting a Resolution endorsing a proposed Dissolution Plan (“Plan”) which must specify the following:
 - (a) name of the District to be dissolved; **Schroon Lake Fire Protection District**
 - (b) territorial boundaries of the District; **The Water District**
 - (c) type and/or class of the District; **Fire Protection District**
 - (d) fiscal estimate of the cost of dissolution; **Very Little if any cost**
 - (e) any plan for the transfer or elimination of public employees; **No**
 - (f) District's assets, including but not limited to real and personal property, and their fair value;
 - (g) District's liabilities and indebtedness, bonded and otherwise, and their fair value;
 - (h) any agreements entered into with the Town in which the District is situated in order to carry out the dissolution; **No**

(i) the manner and means by which the residents of the entity will continue to be furnished municipal services following the entity's dissolution (e.g., formation of Fire District); **One will stop and the other will begin**

(j) terms for the disposition of the District's assets and the disposition of its liabilities and indebtedness, including the levy and collection of any necessary taxes and assessments; **No assets**

(k) findings as to whether any local laws, ordinances, rules or regulations of the District will remain in effect after the effective date of the dissolution; **No Law**

(l) effective date of the proposed dissolution (coordinate with effective date of Fire District formation; “approximately January 1, 2016, but upon formation of the Schroon Lake Fire District”);

(m) time and place or places for a public hearing or hearings on the proposed dissolution plan; and

(n) any other matter desirable or necessary to carry out the dissolution (e.g., formation of the Fire District to avoid interruption of fire protection services).

2. Publication – Not more than five business days after adoption of the Resolution endorsing the proposed Plan, the Town Board must:

(a) cause a copy and a summary of the proposed Plan to be displayed and readily accessible to the public for inspection in a public place within the District; **Severance and Paradox Post Office**

(b) cause a copy and a summary of the proposed Plan and a reference to the public place where they may be examined to be displayed on the Town’s website; and

(c) arrange for the summary of the proposed Plan and a reference to the public place where it may be examined to be published at least once each week for four successive weeks in the official newspaper.

3. Public Hearing; Notice – Town Board must hold a Public Hearing on the proposed Plan not less than 35 nor more than 90 days after adoption of the Resolution endorsing the proposed Plan. Notice of the Public Hearing must be published and displayed on the Town’s website not less than 10 nor more than 20 days before the Public Hearing. The Notice must include a summary of the proposed Plan and a reference to the public place where it may be examined.

4. Approval – After completion of the Public Hearing, the Town Board may approve a final version of the proposed Plan. This approval must occur within 180 days after the end of the Public Hearing. (The Town Board may also amend the proposed Plan or decline to proceed further with the dissolution. The procedure for amendment is not described here.)

5. Effective Date – The dissolution will take effect on the date specified in the final Plan.

Post-Dissolution Actions

1. Winding Down Affairs of Fire Protection District

(a) Dispose of property as provided by law, make provisions for the payment of any indebtedness and for the performance of its contracts and obligations and, if applicable and appropriate under law, levy taxes and assessments as necessary to accomplish the dissolution.

(b) Give Notice, in the same manner as Notice for the proposed Dissolution Plan, requiring all claims against the dissolving Fire Protection District to be filed within a time fixed in the Notice, but not less than three months or more than six months, and all claims not so filed shall be forever barred.

(c) Deposit all its records, books and papers with the Town Clerk to become a part of the records of the Town.

2. Compliance with Dissolution Plan

D. Formation of Fire District

1. Public Hearing; Notice – The Town Board must hold a Public Hearing on formation of the Fire District.

(a) Notice of the Public Hearing must be (i) published at least once in a newspaper having general circulation in the territory affected, the first publication not less than ten days nor more than twenty days before date of the Public Hearing, (ii) posted on the Town's sign-board, (iii) posted conspicuously in such other places within or outside the territory affected as the Town Board may direct and (iv) if the Town maintains a website, provided on the website, all not less than ten nor more than twenty days before the day designated for the Hearing.

(b) The Notice must (i) contain a description of the proposed District, (ii) state the estimated rate per thousand dollars of assessed valuation, based on the aggregate assessed valuation of taxable real property of the proposed District shown in the latest completed final assessment roll, projected to be assessed, levied and collected for purposes of the proposed District for the fiscal year of its operation and (iii) specify the time and place of the Public Hearing.

(c) Prior to the publication of the Notice, the Town Board must prepare a detailed explanation of how the estimated rate of assessment for the proposed District was computed and file it for public inspection with the Town Clerk.

(d) If the permission of the State Comptroller is not required (see paragraph 5 below), a certified copy of the Notice must be filed with the State Comptroller on or about the date of the publication.

2. Public Interest Determination – After the Public Hearing and upon the evidence given, the Town Board must determine by Resolution whether it is in the public interest to establish the proposed Fire District.

3. Benefit Determination – If the Board determines that the establishment of the District is in the public interest, it must then determine (i) whether all the property, property owners and interested persons within the proposed District are benefited thereby and (ii) whether all property or property owners benefited are included in the proposed District (boundaries may be altered if necessary, but may need further notice and another hearing unless all additional property owners or interested persons execute and file written consents to be included in the District).

4. Establishment Resolution – When the boundaries of the Fire District have been finally determined, the Town Board must adopt a Resolution approving the establishment of the District; record a certified copy of the Resolution in the County Clerk's Office and file a certified copy of the Resolution with the State Department of Audit and Control within 10 days.

5. State Comptroller Approval – Permission of the State Comptroller is required if an expenditure to be financed by Bonds, Notes or other indebtedness of the Fire District

is proposed. (This procedure is not covered here.) May also require State Comptroller approval if located in the Adirondack Park.

Councilman Sage moved to adjourn at 7:17 P.M., seconded by Councilwoman Wood; carried.

I, Patricia J. Savarie, do hereby certify the foregoing to be a true and correct transcript from the minutes now on file in my office and of the whole such original minutes.

Dated: September 2, 2015 _____

Town Clerk