

**Special Intermunicipal meeting of the Board of Trustees of the Village of Brockport, Town Board of the Town of Sweden and Town Board of the Town of Clarkson and Brockport Fire Department Officials was held at the A.D. Oliver Middle School Auditorium, 40 Allen Street, Brockport, New York, January 18, 2011 at 7:30pm.**

**PRESENT:**

Special Counsel:

Ray DiRaddo, Esq.

Village of Brockport:

Mayor M. Connie Castañeda, Deputy Mayor/Trustee Daniel P. Kuhn, Trustee Kent R. Blair

Clerk Leslie A. Morelli, Fire Chief Michael J. Henry, Deputy Fire Chief Don Marenus, Assistant Fire Chief Mike Ladue, Fire President John Rombaut

**In audience – did not sit with Boards:** Trustee Carol L. Hannan

**Absent:** Trustee Scott W. Hunsinger

Town of Sweden:

Supervisor Jack Milner, Councilperson Robert Carges, Councilperson Patricia Connors, Councilperson, Councilperson Michael Myers, Councilperson Rebecca Donahue

Town Attorney James Bell

Town Clerk Karen Sweeting, Finance Director Leisa Strabel

Town of Clarkson:

Supervisor Paul Kimball, Councilperson Patrick Didas, Councilperson Christa Filipowicz, Councilperson Allan Hoy, Councilperson Sheldon Myers

Town Attorney Richard Olson

Town Clerk Sharon Mattison

**ALSO PRESENT:** approximately 75 members of the public

**CALL TO ORDER:** Supervisor Kimball called the meeting to order, led the Pledge of Allegiance and welcomed everyone. He informed the public in attendance that while this is an open meeting, there will be no opportunity for public comment. Each Board member and Fire Department Official introduced themselves. Supervisor Kimball introduced Special Counsel Ray DiRaddo, Esq.

**DISCUSSION:**

Supervisor Kimball shared that early in 2010 the Towns of Sweden and Clarkson formed a committee of 10 residents to study fire protection options. The committee then presented their report and recommendations to the Boards. They recommended creating a combined Fire Protection District to best address the needs of the community long term. The Town Boards met and decided to investigate forming a Fire District.

Supervisor Milner introduced Ray DiRaddo who is counsel for several Fire Districts, editor of the Fire District Officers Guide Understanding Municipal and Fire District Law, frequent lecturer, former Councilman, Justice, and Monroe County Legislator.

Ray DiRaddo thanked the Boards for inviting him. His goal is to review what is necessary by law and the process to combine the Village Fire Department with the Fire Protection Districts of the Towns of Clarkson and Sweden. He referenced General Municipal Law, Village Law, Town Law, NYS SEQR.

Steps include:

- Establish joint fire district which encompasses the Village of Brockport, the Town of Sweden, the Town of Clarkson
- Abolish the Village Fire Department
- Dissolve the Town Fire Protection Districts
- SEQR

Proposed tentative timeline & highlights:

- 3/1 – joint meeting with Village & Town Boards deeming it is in the public interest to hold a joint meeting – not necessary at individual Board meetings – at joint meeting several items in advance – notice 7 days before of proposal and draft resolution to abolish Village Fire Department, part 1 of EAF, draft Lead Agency under SEQR
- Each Board must approve proposal – all must agree
- Joint public hearing 30 days after
- Town Boards to meet individually to endorse written dissolution plan & publish 5 days after
- 3/29 joint public hearing – no resolutions at hearing – advised to just take in all public comment

- SEQR review – allows time for Towns re dissolution

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- Approvals within 180 days of public hearing
- SEQR – lead agency would issue (presumably a Negative Declaration) – lots of paperwork
- April – public meetings – individual Towns re dissolution plans
- Early May - joint public meeting where all 3 Boards vote
- Vote is subject to permissive referendum (30 days for citizens to file petition)
- Within 10 days Clerk notifies Audit & Control & publishes resolution of actions

Points made:

- Only the Village Board can authorize the sale and transfer of its land and equipment to a Fire District. They can do so with or without consideration (\$).
- A Fire District is run by a Board of Fire Commissioners – 3 to 7 members initially appointed by the municipal Boards then by election in the month of December. Terms are no more than 5 years and are staggered. Every year a Commissioner is up for election. Within one year of election, Commissioners must take a 6 hour course on Fire District Law.
- The Board of Fire Commissioners has the power to levy taxes for fire protection. It goes onto the Town/County tax bills. Once the budget is submitted, they can't vary the amount of levy. Fire District budget goes to the Towns by November 7<sup>th</sup>.
- The Fire District can employ people. They will need a Fire District Secretary/Clerk and a Fire District Treasurer. The employees are residents of the district.
- Once the Board of Fire Commissioners is established, it becomes an entity to themselves. The municipalities would have no more control over.

Questions:

- Mayor Castañeda – inquired as to the steps the Village Board would need to take.

R. DiRaddo – abolish the Village of Brockport Fire Department and decide whether the land, buildings, equipment, apparatus would be transferred or sold to the Fire District with or without consideration. The Fire District has to agree to accept it.

- Trustee Blair – how does a Fire District start out without any funds?

R. DiRaddo – it sets a budget and gets funded through taxes collected.

- Councilperson Donahue – operating budget? Capital?

R. DiRaddo – Fire District budgets are generic. Future expenditures for equipment and personnel, disposables, hoses, turnout gear, the Secretary and Treasurer, etc.

R. DiRaddo – Board of Fire Commissioners can contract with the volunteer firefighters that presently provide the service.

- Councilperson Myers – what can Fire District do for ambulance?

R. DiRaddo – the majority of Fire Districts do not have ambulance. If the Board of Fire Commissioners wants to get involved with ambulance, they can. However, a Fire District cannot utilize Third Party Billing for ambulance. It is not profitable for a Fire District to get into ambulance. It would not be an Ambulance District. That is a different animal entirely.

- Sweden Town Attorney Bell – no questions at this time.

- Councilperson Connors – who is Lead Agency in SEQR?

R. DiRaddo – that would need to be determined. Supervisor Kimball said Clarkson would be willing to serve in this capacity if the others agreed.

- Councilperson Carges – role of the State Legislature?

R. DiRaddo – Article 11A created the process. No special act of the State Legislature is required unless special legislation is required.

- Councilperson Carges – timeline doesn't relate to State Legislature?

R. DiRaddo – no.

- Councilperson Myers – accountability for finances? Audit?

R. DiRaddo – annual independent audit is required and must be submitted to NYS OSC by 4/1.

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- Supervisor Kimball – Spencerport and Hilton have gone through this. How did they handle transfer or sale of equipment?

R. DiRaddo – did not know.

- Clarkson Town Attorney Olson – Village of Spencerport transferred the land and assets for no consideration to the Ogden-Parma Fire District. The thought was that the people being served were the same people who would just be paying for it all over again.

- Councilperson Hoy – what is involved with the SEQR process?

R. DiRaddo – lead agency, file EAF, initial determination of positive or negative declaration, notification of agencies.

- Councilperson Didas – utilize assessed values provided by the Towns?

R. DiRaddo – yes – Fire District is not an assessing unit.

- Councilperson Filipowicz – the Fire District can utilize volunteers?

R. DiRaddo – yes – most Fire Districts have a volunteer Fire Department or Corps within their boundaries who provide the manpower to fight the fires. The Village of Brockport Fire Department has great volunteers who may be willing to do the work for the District. The District has the ability to hire paid people if it deems it necessary.

- Councilperson Myers – what if 1 of the 3 Boards decides no.

R. DiRaddo – each Board must abolish its Fire Protection District.

- Assistant Chief Ladue – would the area be without protection at any time?

R. DiRaddo – no – the process has to be seamless. The area cannot be left unprotected.

- Fire Chief Henry – there has been past talk of Fire District taxes being high. Who serves as watchdog?

R. DiRaddo – if fire taxes are too high, the voters can vote the Commissioners out of office just like other forms of government. The citizens serve as watchdogs.

- Deputy Chief Marenus – no questions at this time.

- Fire President Rombaut – no questions at this time.

- Mayor Castañeda – asked R. DiRaddo if he would be willing to meet specifically with the Village Board. R. DiRaddo said he would be glad to.

R. DiRaddo said there has to be consensus to go forward. He said he understands that sometimes municipal relationships are strained. There can't be factions.

- Supervisor Kimball – Towns options today with Fire Protection Districts are limited – they can either contract for services or form a District.

R. DiRaddo – concurred - Town governments cannot own a Fire Department. He said Sweden and Clarkson taxpayers have contracted for years and funded the building and equipment. It would be a shame to let the building and equipment go away.

**ADJOURNMENT:** 8:07pm

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Leslie A. Morelli, Village Clerk