

May 23, 2016

State of New York  
County of Fulton  
Town of Oppenheim

Minutes of the Joint Fire District meeting held on May 31, 2016 at the Dolgeville Fire Department located at 20 South Helmer Ave, Dolgeville, NY 13329.

**Members Present**

**Town of Oppenheim**

Supervisor Cynthia Breh  
Councilwoman Pat Haberek  
Councilwoman Stephanie Gray  
Councilman John Houle  
Town Clerk Gloria Brys

**Town of Manheim**

Supervisor John Haughton  
Councilman Frederick Doerrer  
Councilman Peter Jaiken  
Councilman Kevin Snell  
Councilman Rodney Swartz  
Town Clerk Marie Gressler

**Village of Dolgeville**

Mayor Bruce Lyon  
Trustee Brock Herringshaw  
Trustee Mary Puznowski  
Trustee Bill Reynolds  
Trustee Bob Maxwell  
Village Clerk Tammy Chmielewski

Supervisor Haughton called the meeting to order at 7:00 pm with the pledge to the flag.

Attorney Ayers stated that the purpose of the 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 the three boards determine that it is in the public's best interest, then each board would have to adopt by majority vote a resolution to establish a joint fire district. The publication must appear in their official newspapers within 10 days of this meeting.

Town of Oppenheim  
Town Board

RESOLUTION NO. 25 of 2016  
Dated: May 23, 2016

RESOLUTION TO ESTABLISH A JOINT FIRE DISTRICT

MOTION made by Councilwoman Haberek, seconded by Councilwoman Gray\_\_\_\_\_

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

**WHEREAS**, pursuant to Article II-A of the Town Law, the Town of Oppenheim 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 Oppenheim, in conjunction with the Town of Manheim 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 Oppenheim, in conjunction with the Boards of the Town of Manheim 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 Oppenheim, 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 Oppenheim, at a joint board meeting held with the Boards of the Town of Manheim 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 Oppenheim, at a joint board meeting held with the Boards of the Town of Manheim 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:

Cynthia M. Breh, Supervisor	Aye <u> x </u> Nay _____
Pat Haberek, Councilwoman	Aye <u> x </u> Nay ____
Stephanie Gray, Councilwoman	Aye <u> x </u> Nay ____
John Houle, Councilman	Aye <u> x </u> Nay ____
Cherlyl Lynch, Councilwoman	Absent

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 23<sup>rd</sup> day Of May, 2016

Gloria J. Brys, Town Clerk

Town of Oppenheim Town Board

RESOLUTION NO 26\_of 2016

Dated: May 23, 2016

RESOLUTION ESTABLISHING THE BOARD OF COMMISSIONERS  
for the  
JOINT FIRE DISTRICT

MOTION made by Councilman Houle, seconded by Councilwoman Gray

**WHEREAS**, pursuant to Article 11-A of the Town Law, the Town Board of the Town of Oppenheim, at a joint meeting held with the Boards of the Town of Manheim 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 Oppenheim, at a joint session held with the Boards of the Town of Manheim 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 Oppenheim, in a joint session with the Boards of the Town of Manheim 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 Oppenheim, at a joint session held with the Boards of the Town of Manheim 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:

Cynthia M. Breh, Supervisor	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Pat Haberek, Councilwoman	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Stephanie Gray, Councilwoman	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
John Houle, Councilman	Aye <input checked="" type="checkbox"/> Nay <input type="checkbox"/>
Cheryl Lynch, Councilwoman	Absent

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

Gloria J. Brys, Town Clerk

Town of Oppenheim  
Town Board

RESOLUTION NO. 27 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 Councilwoman Gray, seconded by Councilwoman Haberek

**WHEREAS**, pursuant to Article 11-A of the Town Law, the Town Board of the Town of Oppenheim, at a joint meeting held with the Boards of the Town of Manheim 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 II-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

Cynthia M. Breh, Supervisor	Aye <u>  x  </u>	Nay <u>      </u>
Pat Haberek, Councilwoman	Aye <u>  x  </u>	Nay <u>      </u>
Stephanie Gray, Councilwoman	Aye <u>  x  </u>	Nay <u>      </u>
John Houle, Councilman	Aye <u>  x  </u>	Nay <u>      </u>
Cheryl Lynch, Councilwoman	Absent	

IN WITNESS WHEREOF, I have affixed my name as secretary and clerk on this 23<sup>rd</sup> day Of May, 2016

Gloria J, Brys, Town Clerk

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

The following was published in a legal notice in the newspaper.

Body of Public Notice of Publication of an Abstract of a Resolution to Establish a Joint Fire District

"On May 23, 2016 the Town Board of the Town of Oppenheim, at a joint meeting held with the Boards of the Town of Manheim and the Village of Dolgeville, adopted a Resolution, which is subject to a permissive referendum, to establish a Joint Fire District. The purpose and effect of this Resolution is to establish a Joint Fire District to provide fire protection for all lands and property lying within the bounds of the Joint Fire District. The boundary of the Joint Fire District consists of all of the area lying within the territorial boundaries of the Town of Manheim, the geographical portion of the territory of the Town of Oppenheim lying within the boundaries of the Village of Dolgeville, and all of the territory of the Village of Dolgeville. The property and affairs of the Joint Fire District will be under the management and control of a board of five commissioners who initially will be appointed by the Towns and Village Boards and thereafter elected by residents of the Joint Fire District. Upon the establishment of the Joint Fire District, all existing Fire Districts and Fire Protection Districts located in the bounds of the Joint Fire District described above will be dissolved.

The full text of the Town of Oppenheim's Resolution was entered into the minutes of the meeting of the Town Board of Oppenheim held in conjunction with the Town Board of Manheim and the Village Board at a Joint Board Meeting held within the Joint Fire District on May 23, 2016.

No definite date was set for the next Joint Public Meeting.

Motion made by Councilwoman Gray and seconded by Councilman Houle to adjourn the meeting at 8:12 pm .

Respectfully submitted,

Gloria J. Brys, Town Clerk

