

Minutes of the Special Town Board Meeting held at the Pine Tree Elementary School, 156 Pine Tree Road, Monroe, New York on November 10, 2009 at 7:00PM

Present: John Burke, Supervisor
Amidee Haviland, Carlton Levine and James Skoufis, Councilmen
Absent: Geraldine Gianzero, Councilwoman

RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO APPROVING THE ESTABLISHMENT OF THE MONROE JOINT FIRE DISTRICT IN THE TOWNS OF MONROE AND WOODBURY AND THE VILLAGES OF MONROE AND HARRIMAN, ORANGE COUNTY, NEW YORK, PURSUANT TO ARTICLE 11-A OF THE TOWN LAW AND ARTICLE 22-A OF THE VILLAGE LAW

WHEREAS, the Harriman Engine Company, the Lakeside Fire Company, the Mombasha Fire Company have heretofore requested that the municipal officials of the Town of Monroe and the Town of Woodbury and the Village of Monroe and the Village of Harriman take such action as is necessary to establish a joint fire district to comprise all the property presently afforded fire protection by the said fire companies, with the exception of certain territory hereinafter referred to as the “non-contiguous properties”; and

WHEREAS, all the territory in the proposed Monroe Joint Fire District is contiguous; and

WHEREAS, the Monroe Joint Fire District as it is proposed to be established shall be bounded and described as set forth in Appendix “A” attached hereto, and made a part hereof; and

WHEREAS, it has heretofore been determined to be in the public interest that the Town Boards of the Towns of Monroe and Woodbury and the Boards of Trustees of the Villages of Monroe and Harriman hold a joint public hearing on the proposed establishment of the Monroe Joint Fire District; and

WHEREAS, the said establishment has been determined by the Town Board of the Town of Monroe as designated lead agency to be an “Unlisted Action” for purposes of the State Environmental Quality Review Act, and regulations promulgated thereunder and has been determined by the Town Board of the Town of Monroe to not result in any significant adverse environmental effects; and

WHEREAS, an order was duly adopted by this Board on October 13, 2009, setting the 10th day of November, 2009 at 7:00 p.m. at the Pine Tree Elementary School, 156 Pine Tree Road, Monroe, New York, within said proposed Monroe Joint Fire District, as the time and place where the Town Board will meet for the purpose of holding a public hearing to consider the establishment of the Monroe Joint Fire District; and

WHEREAS, notice of the aforesaid joint public hearing was duly published and posted in the manner and within the time prescribed by the applicable sections of law, and proof of publication and posting have been duly presented to the Town Board; and

WHEREAS, notice of the aforesaid joint public hearing was served by the Town Clerk upon the members of Town Board by hand delivery to each such member on or about October 15, 2009, being at least ten (10) days before said public hearing; and

WHEREAS, said joint public hearing was duly held at the time and place set forth in said order and notice as aforesaid, at which time persons interested, who desired to be heard, were duly heard; and

WHEREAS, the Town Board having duly considered the evidence at said joint public hearing and having duly deliberated,

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Woodbury, Orange County, New York, pursuant to Article 11-A of the Town Law of the State of New York, as follows:

SECTION 1

Upon the evidence given at the aforesaid joint public hearing, it is hereby found and determined that it is in the public interest to establish and the Town Board hereby approves the establishment of the Monroe Joint Fire District effective January 1, 2011 in the Towns of Monroe and Woodbury and Villages of Monroe and Harriman, to be bounded and described as set forth in Appendix "A" attached hereto and made a part hereof.

SECTION 2

It is further determined to be in the public interest and this Board in all respects approves such action as is necessary, in accordance with Section 189-b of the Town Law that the Town of Woodbury transfer to the Monroe Joint Fire District, effective January 1, 2011, or upon such other date as may be required, any and all firefighting apparatus and equipment and fire radio equipment owned by the Town of Woodbury and in possession of the Harriman Engine Company, including any rights of the Town of Woodbury as purchaser under contract for firefighting apparatus and equipment, without consideration, except for the satisfaction of any debt existing on such apparatus or equipment at the time of transfer.

SECTION 3

It is further in the public interest and this Board in all respects approves that the Monroe Joint Fire District, be established and commence its operations (excluding fire protection) on May 3, 2010, to be administered, in accordance with the applicable provisions of the Town Law by the following five (5) person Board of Fire Commissioners, who are hereby appointed to serve until December 31, 2010 or until their successors are elected:

Thomas Lowe

Thomas Smith

Len Leonick

Thomas Carton

Thomas P. Sullivan

With respect to these appointments as aforesaid, this Board votes that it is the stated intent, desire and purpose of the five appointees to contract with the Village of Woodbury so that the Village of Woodbury Fire Department shall retain its responsibility for all fires and other general emergencies on the New York State Thruway (I-87) between mileposts beginning at milepost 44.38 and ending at milepost 44.76. Said stated intent, desire and purpose is provided herein in order that the fireground responsibilities of this portion of I-87 remain as it has existed heretofore and prior to the establishment of the Monroe Joint Fire District by these presents.

It is further in the public interest and this Board in all respect approves that the Board of Fire Commissioners shall thereafter be elected at the first annual fire district election to be held December 14, 2010, in accordance with Article 11 and Section 174 of the Town Law.

SECTION 4

It is further in the public interest and this Board in all respects approves that commencing January 1, 2011, the Monroe Joint Fire District assume all responsibility for fire

protection within its boundaries and at that time and thereafter the Board of Fire Commissioners act as the authority having control of the Monroe Joint Fire Department which shall consist of the following existing fire companies:

Harriman Engine Company
Lakeside Fire Company
Mombasha Fire Company

and such other companies, squads and/or units as may hereinafter be duly organized or incorporated according to law.

SECTION 5

It is further in the public interest and this Board in all respects approves that the Monroe Joint Fire District Board of Fire Commissioners hold their first organizational meeting on May 3, 2010, at 7:30 p.m. within the Monroe Joint Fire District or on such other date as shall be determined by the Board of Fire Commissioners.

SECTION 6

The Town Clerk is hereby designated and shall, within ten (10) days hereof, publish a notice setting forth the date of the adoption of this resolution, containing an abstract concisely stating the purpose and effect thereof, and specifying that this resolution is subject to permissive referendum.

SECTION 7

The Town Clerk of the Town of Monroe is hereby designated to act in the following respects on behalf of this Board and shall, within ten (10) days after the effective date of this resolution, cause a certified copy of the determination including this resolution establishing the Monroe Joint Fire District to be filed in the State Department of Audit and Control at Albany, New York, and shall further, within ten (10) days after the effective date of this resolution, cause a certified copy of such determination to be recorded in the Office of the Orange County Clerk, as provided in Section 189-d of the Town Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

Supervisor Burke	voting	AYES
Councilperson Haviland	voting	AYES
Councilperson Gianzero	voting	ABSENT
Councilperson Skoufis	voting	AYES
Councilperson Levine	voting	AYES

The resolution was thereupon duly declared adopted, subject to permissive referendum.