

RESOLUTION

Whereas, at a regular meeting of the Victor Village Board:

1. Section 189-a of the Town Law authorizes the town board of a town and the board of trustees of an incorporated village located in said town to: establish in such town and such village a joint fire district in the manner provided in such statute for the purposes, and in the manner, therein stated, provided that all of the territory in such joint fire district shall be: continuous, and not within the limits of a city.

2. The participating municipalities are: the Town of Victor (the "Town") and the Village of Victor (the "Village").

3. It appears to such participating municipalities that it is: in the public interest to establish such a district and a joint public hearing has been held at one location within the proposed joint fire district for the purpose of jointly proposing the establishment of such a joint fire district.

4. The boundaries of such district are described in Exhibit A, contiguous, not within the limits of any city, meet the requirements of a conveyance of real property, and contain no sketches or maps, except by reference to the recording or filing thereof in the office of the appropriate county clerk.

5. Such joint public hearing was open to the public, each of whom was given an opportunity to be heard held at one location within such district upon such proposal at 6:00 PM on June 25, 2018 at the Victor Town Hall, 85 East Main Street, Victor, New York.

6. Notice of such joint public meeting was provided by publishing and posting in the manner and within the time prescribed by the applicable sections of law.

7. The following matters were considered at the joint public hearing: a description of the territory to be included in such proposed district, the object and purposes for which it is proposed to create the new district, which are: to provide fire protection in such district, to consider providing emergency ambulance service therein, whether such district will become the sponsor of a service award program pursuant to articles A through AAAA of the general municipal law, and if so resolved: the estimated annual cost of such program to the district; the resolution establishing such district shall be submitted to mandatory referendum in each participating Town and Village in the manner provided by article seven of the Town Law or article nine of the Village law; a statement that the following shall also be considered: the sections of article eleven of the Town Law which may be relevant to the establishment, operation and management of such district herein, but not inconsistent herewith, and which shall be selected at such joint public hearing; the remaining sections of article eleven-A of the Town Law and entitled: "Joint Fire Districts in Towns and Villages" which may be applicable; a name for such district; a formula for the equitable sharing of the expenses of establishment of such district; the comments of all persons interested in the establishment of such district; any referendum, whether permissive or mandatory, required; if a referendum is required and the proposition thereat approved, the clerk shall also:

- i. sign a duplicate original of the resolution establishing such district
- ii. have the signature notarized
- iii. record such resolution in the office of the appropriate county clerk
- iv. file a copy of such resolution in any office as required, and attend to any additional required or appropriate matters.

8. The clerk of each participating municipality was appointed by a majority of the voting strength of her respective board to make all administrative arrangements required with respect to the proceedings, including, but not limited to, the joint public hearing.

9. In all respects the provisions of Article Eleven of the Town Law, not inconsistent herewith, shall apply to the establishment, operation and management of any joint fire district provided for by this section.

10. The requirements of the State Environmental Quality Review Law (SEQR) shall be applied as applicable

11. At least a quorum of the board of each participating municipality attended such joint public meeting.

NOW, THEREFORE, BE IT RESOLVED by an affirmative vote of a majority of the voting strength of the Village Board that:

1. After such hearing, and upon the evidence given thereat, and after considering the objections, if any, each of the participating municipalities determined that it is in the public interest to establish such joint fire district.

2. The establishment of such joint fire district effective at Noon on June 1, 2019 is approved by the Village Board, subject to a general referendum to be conducted at the time of the next annual election, March 19, 2019 from 12:00 Noon until 9:00 PM at the Village Hall, 60 East main Street, Victor, New York. The referendum shall be in the form, copy of which was approved by the Village Board, shall be attached to the minutes of this meeting and shall be available at the Village Hall..

3. All of the requirements set forth above have been met.

4. A joint public hearing of all participating municipalities was held.

5. The location thereof was within the boundaries of the proposed joint fire district.

6. The proposed joint fire district shall be named and hereafter be referred to as the "Victor Fire District".

7. The Village appointed the Town as the "lead agency" for the purposes of the State Environmental Quality Review Act ("SEQR") and the regulations promulgated thereunder. The Town has advised the Village that it has complied with the provisions of SEQR, that the Town has determined that the establishment of the proposed Victor Fire District is an "Unlisted Action" pursuant to SEQR, and that,

upon completion in consideration of Parts 2 and 3 of an Environmental Assessment Form and after examining the relevant issues by taking a hard look and engaging in recent elaboration, the Town Board determined that the formation shall not have a potentially significant adverse impact on the environment and issued a negative declaration.

8. Upon the establishment of such joint fire district:

- I. The joint fire district shall become the sponsor of the service award program currently sponsored by the Village.
- II. The Village will offer to enter into a lease agreement for the lease of the Village Fire Hall to the Victor Fire District in accordance with the terms of the proposed lease agreement negotiated between the Town and the Village. A copy of such lease was reviewed and approved by the Village Board and shall be attached to the meeting minutes and available for review at the Village Hall. In the event the commissioners of the Victor Fire District do not enter into such lease agreement promptly upon the formation of the Victor Fire District, the Village shall retain all rights of ownership and possession of the Village Fire Hall.
- III. The Village will offer to enter into a lease agreement for the firetruck known as the "Quint" to the Victor Fire District in accordance with the terms of the proposed lease agreement negotiated between the Town and the Village. A copy of such lease was reviewed and approved by the Village Board and shall be attached to the meeting minutes and available for review at the Village Hall. In the event the commissioners of the Victor Fire District do not enter into such lease agreement promptly upon the formation of the joint fire district, the Village shall retain all right of ownership and possession of the Quint.
- IV. The Victor Fire District will have a fiscal year concurrent with the calendar year. As of January 1, 2020, the operation of the Victor Fire District will be funded through fire district taxes. The Village budget for the fiscal year commencing June 1, 2019 includes expenditures for the operation of the fire department. Upon the formation of the Victor Fire District, the amount so budgeted shall be prorated to the remaining portion of the calendar year and seven-twelfths of such budgeted amount shall be assigned to the Victor Fire District.
- V. In addition, the Town contracts with the Village for fire protection services on an annual basis. The current contract runs from January 1, 2019 until December 31, 2019 and calls for an annual payment of \$545,695. The balance of these funds remaining as of June 1, 2019 shall be assigned to the Victor Fire District.

- VI. All other vehicles, equipment, fixtures, tools, and uniforms owned by the Village and used exclusively by and for the Victor Fire Department shall be transferred to the Victor Fire District promptly upon the establishment of the Victor fire District.

- VII. The remaining balance of reserve accounts established by the Village for the Victor Fire Department shall be shall be transferred to the Victor Fire District promptly upon the establishment of the Victor fire District.

The motion is carried.

Date: January 21, 2019

REFERENDUM FOR THE DISSOLUTION OF THE FIRE DEPARTMENT
AND THE FORMATION OF A JOINT FIRE DISTRICT:

Should the Village of Victor dissolve the Fire Department and, together with the Town of Victor, establish a joint fire district (to be named the" Victor Fire District") effective June 1, 2019, as follows: The Victor Fire District would encompass the same geographic area as is currently served by the Victor Fire Department. The Victor Fire District would be governed by a five member Board of Fire Commissioners which would be, initially, appointed by the Town board, and thereafter be elected by the residents of the district. The Victor District would become a new taxing authority; the tax would be included as a separate line item on the real property tax bills issued each January. The Victor Fire District would be given the opportunity to lease the Victor Fire Hall from the Village for lease payments sufficient to cover the outstanding bond and, when the bond is paid in full, to purchase the Fire Hall for one dollar. The Victor Fire District would be given the opportunity to lease the fire truck referred to as the "Quint" for lease payments sufficient to cover the outstanding lease on the Quint and, thereafter, to purchase the Quint for one dollar. All other vehicles, equipment, fixtures, tools and uniforms of the Village utilized exclusively for and by the Fire Department the remaining balance of all reserve accounts established by the Village for the Fire Department would be transferred to the Victor Fire District immediately upon its formation. The Victor Fire District would become the sponsor of the Length of Service Awards Program currently sponsored by the Village for the benefit of firefighters. In order to fund the operation of the Victor Fire District for the seven months from June 1, 2019 until December 31, 2019: (a) the portion of the Village budget for the fiscal year commencing June 1, 2019 would be prorated and seven-twelfths of said amount would be assigned by the Village to the Victor Fire District, and (b) the remaining balance of the funds committed by the Town to the Village for fire protection services for 2019 as of June 1, 2019 would be assigned to the Victor Fire District. Thereafter, the Victor Fire District would be funded by the new Fire District tax.