

6162

I N S E N A T E

(PREFILED)

January 8, 2014

Introduced by Sen. TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to authorize the town of Mohawk to extend the town of Mohawk fire protection district into the village of Fonda

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Notwithstanding any contrary provisions of article 11 of
2 the town law, commencing upon the effective date of a resolution adopted
3 by the board of trustees of the village of Fonda, in the county of Mont-
4 gomery, pursuant to section 10-1020 of the village law abolishing the
5 fire department in such village, the town board of the town of Mohawk,
6 in accordance with the procedures set forth in subdivision 2 of section
7 170 of the town law, shall have the power to extend the town of Mohawk
8 fire protection district, located in the town of Mohawk to include and
9 encompass the entire corporate limits of the village of Fonda in such
10 town.

11 S 2. Upon the completion by the town of Mohawk of the proceedings
12 authorized by section one of this act, the fire protection district in
13 the town as extended shall be a fire protection district governed by the
14 provisions of section 184 of the town law, and the town board of such
15 town shall have all of the powers and duties vested in and imposed on
16 town boards by section 184 of the town law, and shall be subject to all
17 of the limitations, procedures and restrictions set forth in such
18 section.

19 S 3. On and after the completion of the proceedings authorized by
20 section one of this act, the not-for-profit fire corporation incorpo-
21 rated as the "Town of Mohawk Fire Department, Inc." shall maintain its
22 corporate existence and may continue to maintain apparatus, appliances
23 and facilities within the village of Fonda for the furnishing of fire
24 protection. Such continued presence in the village of Fonda shall not
25 render such fire corporation to be the fire department of such village,
26 nor shall it render such fire corporation to be under the control of the
27 village authorities pursuant to paragraph (e) of section 1402 of the

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD11791-01-3

1 not-for-profit corporation law, provided, however, that for purposes of
2 paragraph (e) of section 1402 of the not-for-profit corporation law,
3 such fire corporation shall be under the control of the town of Mohawk.
4 S 4. The completion by the town of Mohawk of the proceedings author-
5 ized by section one of this act shall be deemed to occur when the town
6 adopts a resolution extending a fire protection district as required by
7 subdivision 2 of section 170 of the town law; provided, however, that
8 nothing in this act shall be construed as relieving the town of Mohawk
9 from complying with the provisions of subdivision 1 of section 173 of
10 the town law.
11 S 5. This act shall take effect immediately.