

S. 4151

A. 6558

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

March 21, 2011

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

IN ASSEMBLY -- Introduced by M. of A. DUPREY -- read once and referred to the Committee on Local Governments

AN ACT to authorize the town of Malone, in the county of Franklin, to extend the town of Malone fire protection district into the village of Malone

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 Malone pursuant to section
4 10-1020 of the village law abolishing the fire department in the village
5 of Malone, in the county of Franklin, the town board of the town of
6 Malone, in the county of Franklin, in accordance with the procedures set
7 forth in subdivision 2 of section 170 of the town law, shall have the
8 power to extend the Malone fire protection district, located in the town
9 of Malone to include and encompass the entire corporate limits of the
10 village of Malone in such town.

11 S 2. Upon the completion by the town of Malone 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-

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

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1 rated as the "Malone Call Firemen, Inc." shall maintain its corporate
2 existence and may continue to maintain apparatus, appliances and facili-
3 ties within the village of Malone for the furnishing of fire protection.
4 Such continued presence in the village of Malone shall not render the
5 fire corporation to be the fire department of such village, nor shall it
6 render the fire corporation under the control of the village authorities
7 pursuant to paragraph (e) of section 1402 of the not-for-profit corpo-
8 ration law, provided, however, that for purposes of paragraph (e) of
9 section 1402 of the not-for-profit corporation law, the fire corporation
10 shall be under the control of the town of Malone.

11 S 4. The completion by the town of Malone of the proceedings author-
12 ized by section one of this act shall be deemed to occur when the town
13 board of such town adopts a resolution extending a fire protection
14 district as required by subdivision 2 of section 170 of the town law,
15 provided, however, that nothing in this act shall be construed as
16 relieving such town from complying with the provisions of subdivision 1
17 of section 173 of the town law.

18 S 5. This act shall take effect immediately.