

6871

I N S E N A T E

April 2, 2012

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

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

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 Salem, in the county of Wash-
4 ington, pursuant to section 10-1020 of the village law abolishing the
5 fire department in such village, the town board of the town of Salem, in
6 accordance with the procedures set forth in subdivision 2 of section 170
7 of the town law, shall have the power to extend the town of Salem fire
8 protection district, located in the town of Salem to include and encom-
9 pass the entire corporate limits of the village of Salem in such town.
10 S 2. Upon the completion by the town of Salem of the proceedings
11 authorized by section one of this act, the fire protection district in
12 the town as extended shall be a fire protection district governed by the
13 provisions of section 184 of the town law, and the town board of such
14 town shall have all of the powers and duties vested in and imposed on
15 town boards by section 184 of the town law, and shall be subject to all
16 of the limitations, procedures and restrictions set forth in such
17 section.
18 S 3. On and after the completion of the proceedings authorized by
19 section one of this act, the not-for-profit fire corporation incorpor-
20 ated as the "Salem Volunteer Fire Department, Inc." shall maintain its
21 corporate existence and may continue to maintain apparatus, appliances
22 and facilities within the village of Salem for the furnishing of fire
23 protection. Such continued presence in the village of Salem shall not
24 render such fire corporation to be the fire department of such village,
25 nor shall it render such fire corporation to be under the control of the
26 village authorities pursuant to paragraph (e) of section 1402 of the
27 not-for-profit corporation law, provided, however, that for purposes of

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

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1 paragraph (e) of section 1402 of the not-for-profit corporation law,
2 such fire corporation shall be under the control of the town of Salem.

3 S 4. The completion by the town of Salem of the proceedings authorized
4 by section one of this act shall be deemed to occur when the town adopts
5 a resolution extending a fire protection district as required by subdi-
6 vision 2 of section 170 of the town law; provided, however, that nothing
7 in this act shall be construed as relieving the town of Salem from
8 complying with the provisions of subdivision 1 of section 173 of the
9 town law.

10 S 5. This act shall take effect immediately.