S T A T E O F N E W Y O R K

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I N A S S E M B L Y

April 18, 2012

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

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:

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

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

S 3. On and after the completion of the proceedings authorized by section one of this act, the not-for-profit fire corporation incorporated as the "Salem Volunteer Fire Department, Inc." shall maintain its corporate existence and may continue to maintain apparatus, appliances and facilities within the village of Salem for the furnishing of fire protection. Such continued presence in the village of Salem shall not render such fire corporation to be the fire department of such village, nor shall it render such fire corporation to be under the control of the village authorities pursuant to paragraph (e) of section 1402 of the 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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paragraph (e) of section 1402 of the not-for-profit corporation law, such fire corporation shall be under the control of the town of Salem.

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

S 5. This act shall take effect immediately.