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I N   A S S E M B L Y

February 5, 2014

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

AN ACT authorizing the town of Somerset to extend the town of Somerset-  
Somerset Fire Protection District into the village of Barker

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

1     Section 1. Notwithstanding any contrary provisions of article 11 of  
2     the town law, commencing with the effective date of the resolution  
3     adopted pursuant to section 10-1020 of the village law abolishing the  
4     fire department in the village of Barker, Niagara county, the town board  
5     of the town of Somerset, Niagara county, in accordance with the proce-  
6     dures set forth in subdivision 2 of section 170 of the town law, shall  
7     have the power to extend the town of Somerset - Somerset Fire Protection  
8     District, located in the town of Somerset to include and encompass the  
9     enter corporate limits of the village of Barker in such town.  
10    S 2. Upon the completion by the town of Somerset 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 the  
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 incorpo-  
20    rated as the "Barker Fire Department, Inc." shall maintain its corporate  
21    existence and may continue to maintain apparatus, appliances and facili-  
22    ties within the village of Barker for the furnishing of fire protection.  
23    Such continued presence in the village of Barker shall not render the  
24    fire corporation the fire department of the village, nor shall it render  
25    the fire corporation under the control of the village authorities pursu-  
26    ant to paragraph (e) of section 1402 of the not-for-profit corporation  
27    law, provided, however, that for purposes of paragraph (e) of section

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

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1 1402 of the not-for-profit corporation law, the fire corporation shall  
2 be under the control of the town of Somerset.

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

9 S 5. This act shall take effect immediately.