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

6521

I N S E N A T E

January 31, 2014

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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Notwithstanding any contrary provisions of article 11 of the town law, commencing with the effective date of the resolution adopted pursuant to section 10-1020 of the village law abolishing the fire department in the village of Barker, Niagara county, the town board of the town of Somerset, Niagara county, 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 Somerset - Somerset Fire Protection District, located in the town of Somerset to include and encompass the enter corporate limits of the village of Barker in such town.

S 2. Upon the completion by the town of Somerset 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 the 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 "Barker Fire Department, Inc." shall maintain its corporate existence and may continue to maintain apparatus, appliances and facilities within the village of Barker for the furnishing of fire protection. Such continued presence in the village of Barker shall not render the fire corporation the fire department of the village, nor shall it render the fire corporation 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 paragraph (e) of section

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

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

S 4. The completion by the town of Somerset 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 herein shall be construed as relieving the town from complying with the provisions of subdivision 1 of section 173 of the town law.

S 5. This act shall take effect immediately.