§ 172-a. Alteration of boundaries of fire districts. 1. Irrespective of the manner of their original establishment, whenever two or more fire districts adjoin and the boards of fire commissioners of each fire district affected have agreed by a written memorandum of proposed change to alter the boundaries of such fire districts, but not in such a manner as to include territory not previously situate within such fire districts, nor to exclude territory previously situate therein, and after a public hearing thereon, held jointly by such fire districts, the boundaries of such fire districts may be altered in accordance with such memorandum of proposed change, but not until such proposed change has been approved by the town board of the town in which such fire districts are located, or if located in two or more towns, by the town boards of such towns.

2. Such memorandum of proposed change shall be signed by a majority of the members of the board of fire commissioners of each fire district and shall be acknowledged or proved in the same manner as a deed to be recorded. The members of the board of fire commissioners of each district affected shall jointly hold a public hearing upon such memorandum of proposed change and shall cause a notice thereof to be published at least once in a newspaper having general circulation in the territory affected, the first publication thereof to be not less than ten days nor more than twenty days before the day designated therein for the hearing, and the secretary of the fire districts shall cause copies of such notice to be posted conspicuously in five public places in the district at least ten days prior to the date of such public hearing. In the event that the district maintains a website, one of the posting requirements may be fulfilled by posting such information on the website. Such notice shall specify the time when and the place where the boards of fire commissioners of the districts affected will meet to hear all persons interested in the subject concerning the same and shall specify each district affected and shall state in general terms the manner in which it is proposed to alter the boundaries thereof. Costs of publication shall be borne equally by each fire district affected.

3. After a hearing held upon notice as hereinbefore provided and upon the evidence given thereat, the boards of fire commissioners of the

districts affected shall determine by joint resolution:

(a) Whether all the property and property owners within the districts are benefited by such change.

(b) Whether all the property and property owners within the area of such boundary change are benefited thereby.

(c) Whether it is in the public interest to grant the boundary line changes as set forth in the memorandum of proposed change.

If and when the boards of fire commissioners shall determine in the affirmative all of the questions set forth in this subdivision, the boards may adopt a resolution jointly approving the boundary line changes. Such joint resolution and memorandum of proposed change shall be filed with the town clerk of the town or towns in which such districts are wholly located and with the assessor of such town or towns.

4. The proposed change of boundaries shall be deemed to have been approved pursuant to this section in the event that no action is taken by the town board or town boards, either approving or disapproving, within thirty days of receipt of the memorandum of proposed change by the town clerk or clerks. If the town board or town boards approve such proposed change, such alteration of boundaries shall be deemed effective upon the date of such adoption. If the town board of any one of the two or more town boards in which the fire district is located disapprove such proposed change of boundaries, then, within ten days after the adoption of such resolution disapproving such change of boundaries the town clerk of the town disapproving such change shall notify the fire districts involved. Any fire district believing itself aggrieved may within thirty days of receipt of notification commence an appropriate proceeding in the supreme court of the state of New York in accordance with article seventy-eight of the civil practice law and rules, naming the town board or town boards as respondents.

5. In the event that the boundaries of a district having indebtedness, either bonded or temporary, shall be altered pursuant hereto, such district shall continue in law as it existed immediately prior to such change of boundaries for the purpose of paying such indebtedness, and

there shall be annually assessed and levied upon and collected from the taxable real property within such district as it existed immediately prior to such alteration of boundaries, in the same manner and at the same time and by the same officers as town taxes are assessed, levied and collected, a sum sufficient to pay such indebtedness and interest thereon as the same shall become due. All and only the real property within the boundaries of the district as they exist after the alteration thereof shall be liable for the payment of indebtedness incurred for the purposes of such district after such alteration. For the purposes hereof, such alteration of boundaries shall be deemed effective upon the adoption by the boards of fire commissioners of the affected fire districts of the resolution providing therefor, unless such resolution shall specify some other date for such purpose, in which case such alteration shall be deemed effective upon the date so specified.