§ 172-f. Resolution and hearing for diminution of fire district boundaries. 1. Irrespective of the manner of its original establishment, whenever a board of fire commissioners resolves, by a two-thirds vote, to diminish the boundaries of such fire district, so as to exclude territory previously situate within such fire district, and after a public hearing thereon, held jointly by the fire district and the town in which such territory to be excluded is situate, the boundaries of such fire district may be altered in accordance with such resolution.

2. Such resolution of proposed diminution shall be signed by two-thirds of the members of the board of fire commissioners and shall be acknowledged or approved in the same manner as a deed to be recorded. The members of the board of fire commissioners shall jointly hold a public hearing with the members of the town board in which such territory is located 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 shall be not less than ten days nor more than twenty days before the day designated therein for the hearing. Such notice shall specify the time when and the place where the board of fire commissioners and the town board will meet to hear all persons interested in the subject, and shall specify the territory affected. Cost of publication shall be borne solely by the fire district. Such notice shall also specify the area to be included in a proposed fire protection district, which fire protection district shall include the area of the fire district proposed to be excluded.

3. After a hearing held upon notice as hereinbefore provided and upon the evidence given thereat, the board of fire commissioners and the town board shall determine by resolution: (a) Whether all the property and property owners within the area proposed to be excluded from the district and included in the fire protection district are benefited thereby;

(b) Whether all the property and property owners benefited are included within the limits of the proposed fire protection district;

(c) Whether it is in the public interest to grant in whole or in part the diminution of the district and the creation of the fire protection district by the town board.

If the board of fire commissioners and the town board shall determine that it is in the public interest to diminish the fire district and create the fire protection district but shall find that any part or portion of the property or property owners within the proposed area to be excluded from the fire district are not benefited thereby or that certain property or property owners benefited thereby have not been included in the proposed fire protection district, the board of fire commissioners and the town board shall specify the necessary changes of the boundaries of the area to be excluded from the fire district and the boundaries of the fire protection district in order that only such property and property owners as are benefited, shall be included within such proposed excluded area and within the fire protection district, and the board of fire commissioners shall, together with the town board, call a further hearing at a definite place and time not less than fifteen nor more than twenty-five days after such determination. Notice of such further hearing shall be published in the manner provided in this section except that such notice shall also specify the manner in which it is proposed to alter the boundaries of the area to be excluded and the boundaries of the fire protection district. Such further hearing shall be conducted in the same manner as the original hearing. If, and when, the board of fire commissioners and the town board shall determine in the affirmative all of the questions set forth in this subdivision, the board of fire commissioners may adopt a resolution approving the diminution of the fire district and the town board may adopt a resolution approving the establishment of the fire protection district, all as the boundaries shall be finally determined.