

TOWN OF LEICESTER
VILLAGE OF LEICESTER
SPECIAL JOINT BOARD MEETING
WEDNESDAY, July 24th, 2024, 6:00 P.M.

Present: Town Supervisor, Richard White; Town Councilmembers, Jason Yasso, Gerald Hull, Matthew Durbin, Karen Roffe; Town Clerk, Amy Neumann; Village Mayor, Barry Briffa; Village Trustees, Ken Rizzo, Tom Frantz, Don Jacobs, Dan Christiano.

Others: Michael Parsons, John Yasso, Mary Yasso, Rich Neumann, Jennifer Johnson, Tim Archibald, John Rauber, Amy Rauber, Clair Thompson, William Kane, James Kane, Russ Page, Pete Hamilton, Marcia Sanford, Kara Kane, Jay Lynch, Dean Pendergast, Sandie Pendergast, Joey Semmel, Joel Yasso, Gwen Yasso, Don Kane, Jerry Christiano, two Residents signatures ineligible.

A Joint Meeting was held on Wednesday July 24, 2024, at the Leicester Town Hall located at 132 Main Street, Leicester NY 14481, at 6:00 p.m.

OPEN MEETING: Pledge to the Flag Mayor Briffa led the pledge.

Full Village Board and Full Town Board in attendance.

The Fire Attorney, Brad Pinsky from Pinsky Law was going to be present tonight, however was not able to attend.

Meeting Notice: Town Supervisor, Richard White read legal notice.

**LIVINGSTON COUNTY NOTICE OF MEETING SPECIAL MEETING OF LEICESTER TOWN
BOARD AND VILLAGE OF LEICESTER BOARD**

A Special meeting of the Leicester Town Board and the Village of Leicester Board of Trustees will be held on Wednesday, July 24, 2024, at 6:00 p.m. at the Leicester Town Hall located at 132 Main Street Leicester, NY 14481 For the purpose of Proposed Leicester Fire District. All are Welcome to attend.
By Order of the Town Board.

Date 7/10/2024 Amy L. Neumann, Town Clerk

Leicester Joint Meeting Guide: 7/24/24 read by Town Supervisor Richard White to Village Board and Town Board

Leicester Joint Meeting Guide 7/24/24

Today's meeting is the first step in initiating the joint fire district formation process. A joint fire district is a fire district, governed by a board of fire commissioners, which encompasses all or part of a town and all or part of a village.

What is Proposed:

It is proposed that a joint fire district be formed over the entire territory of the Town and the entire territory of the Village.

What We Currently Have Today:

As you are aware, there is currently an existing fire protection district within the Town. The fire protection district does not have a board of fire commissioners. Rather, the Town Board contracts with the fire companies that it chooses to provide fire protection to the fire protection district within the town.

The Village is provided fire protection by the village fire department. The village fire department is under the control of the Village.

What Needs to Happen:

By law, the boundaries of fire districts and fire protection districts cannot overlap. Therefore, the existing fire protection district within the town needs to be dissolved. Then a new joint fire district needs to be formed to incorporate all of the territory in the town and all of the territory in the village.

Once the new joint fire district is formed, it will be governed by a Board of Fire Commissioners. All of the existing assets of the fire departments located within the town and village should be transferred to the ownership of the new joint fire district. Some assets will not be able to be transferred to the new joint fire district's ownership immediately, so in the meantime the joint fire district can lease those assets until they can be transferred.

Outstanding Questions:

There will certainly be unanswered questions that will need to be worked out over the course of this project. We will work with all stakeholders to iron out the details of every question that arises. It is important to note now, however, that the goal for tonight's meeting is not to have all the answers because nothing that is agreed upon tonight is "final". Tonight's meeting is necessary to initiate the process and set public hearing dates, but not to ultimately decide every detail of the project.

Tonight's Goals:

There will need to be at least two public hearings to make this project work. One public hearing is required for the formation of the joint fire district. Another public hearing is required for the dissolution of the existing fire protection district in the Town.

Tonight, you need to agree on:

1. The name of the joint fire district (right now it is proposed to be called the Leicester-Cuylerville Volunteer Joint Fire District)
2. The date that the joint fire district is intended to come into existence (must be at least September 4th but no later than September 20th).

Please note: the effective date must be written into the resolutions that I provided you with. I've highlighted those areas of the resolution that need to be filled out by you.

3. The number of fire district commissioners that will be appointed (suggested to be five appointed commissioners)

4. The date that the public hearing for the formation of the joint fire district will be held (proposed August 21st). A resolution has been prewritten and must be passed tonight by both the Village Board and Town Board.
5. The date that the public hearing for the dissolution of the existing fire protection district will be held (proposed September 4th). A resolution has been prewritten and must be passed tonight by the Town Board.

Should you have any questions, please contact me (Zach) via cell phone at 814-573-7977. I will have my phone nearby all evening.

You can also email any questions to Brad at bpinsky@pinskylaw.com

Below you can add any non-urgent questions or concerns that arise at the meeting and Brad, and I will work to get your responses as soon as possible.

Village Mayor Barry Briffa asked Town Supervisor, Richard White if Town Board has hired Attorney Brad Pinsky? Supervisor Richard White said that would be decided tonight by both Boards. Supervisor, Richard White, said his Town Board is comfortable with Brad Pinsky at Pinsky Law. Legal Fees are \$15,000.00

Village Board and Town Board agree to split cost of Attorney Brad Pinsky 50/50 Split of \$ 15,000.00 Entered into record.

Resolution: read by Councilmember Jason Yasso:

RESOLUTION REGARDING PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A JOINT FIRE DISTRICT

WHEREAS, the Town Board of the Town of Leicester and the Board of Trustees of the Village of Leicester, having duly convened in joint session on July 24, 2024, for the purpose of jointly considering the formation of a joint fire district, the objects and purposes for which is to consolidate the fire protection and rescue services within the area of the joint fire district, which is (tentatively) to be called the "Leicester-Cuylerville Volunteer Joint Fire District", pursuant to the provisions of section 189-a of the Town Law and section 22-2210 of the Village Law, and,

WHEREAS, such joint fire district would include all parcels of land within the incorporated limits of the Village of Leicester and all parcels of land in the Town of Leicester; and,

WHEREAS, the majority of the members of each of said Town Board and Village Board of Trustees deem it in the public interest to hold a joint public hearing on the question of the formation of said joint fire district.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Leicester and the Board of Trustees of the Village of Leicester will hold a joint public hearing on August 21,

2024 at 6:00 p.m. at the Village of Leicester Fire Hall located at 126 Main Street, Leicester, New York, to consider the proposed formation of a joint fire district to include all territory situated within the Town of Leicester, including the entire limits of the Village of Leicester, with all such territory being contiguous, and thus encompassing the entirety of the Town of Leicester, and to hear all persons interested in the establishment of the district; and,

BE IT FURTHER RESOLVED, that the Town Board and the Village Board of Trustees shall direct their respective clerks to cause notice of such public hearing to be published in a newspaper having general circulation in such town and village, at least once, and posted in five public conspicuous places in the Town of Leicester, outside the Village of Leicester, and in five public conspicuous places in the Village of Leicester, not less than ten (10) days before the date of the hearing, and that one of the posting requirements for each municipality may be fulfilled by posting such information on their respective websites, and that one of the posting requirements may be fulfilled by posting on their respective sign boards; and,

BE IT FURTHER RESOLVED, that Notice of such joint public hearing also shall be served by the respective clerks upon the members of the Town Board of the Town of Leicester, and upon the members of the Board of Trustees of the Village of Leicester, by mail, addressed to such members at their last known post office addresses, at least ten (10) days before the date of the hearing. Such notice shall contain a brief description of the boundaries of the proposed joint fire district, being the entire Town of Leicester, including all of the Village of Leicester, and of the objects and purposes for which it is proposed that a new joint fire district be created, and shall specify the single time when and place where the town and village boards will jointly meet to consider the proposal and to hear all persons interested in the establishment of the joint fire district.

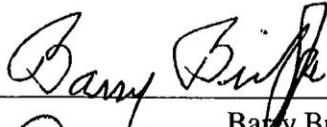
Motion: A Motion by Village Trustees Dan Christiano, and Ken Rizzo to accept resolution as read.

Mayor Barry Briffa, Aye
Village Trustee, Ken Rizzo, Aye
Village Trustee, Tom Frantz, Aye
Village Trustee, Don Jacobs, Aye
Village Trustee, Dan Christiano Aye
Motion carried. Ayes 5, Noes 0.

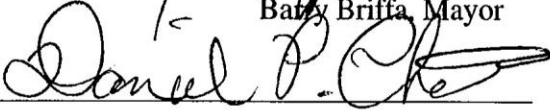
Motion: A Motion by Town Councilmembers Gerald Hull, and Karen Roffe to accept Resolution as read.

Town Councilmember, Gerald Hull, Aye
Town Councilmember, Matthew Durbin, Aye
Town Councilmember, Karen Roffe, Aye
Town Councilmember, Jason Yasso, Aye
Supervisor, Richard white, Aye
Motion carried. Ayes 5, Noes 0.

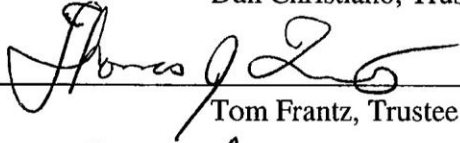
VILLAGE OF LEICESTER



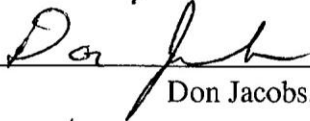
Barry Briffa, Mayor



Dan Christiano, Trustee



Tom Frantz, Trustee

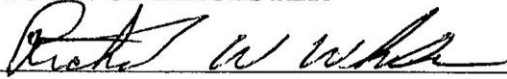


Don Jacobs, Trustee

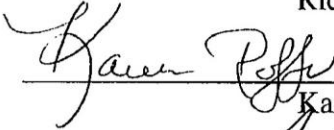


Ken Rizzo, Trustee

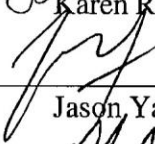
TOWN OF LEICESTER



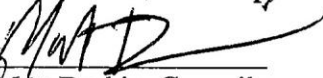
Richard White, Supervisor



Karen Roffe, Councilperson



Jason Yasso, Councilperson



Matt Durbin, Councilperson



Gerald Hull, Councilperson

BY ORDER OF THE TOWN BOARD OF THE TOWN OF LEICESTER, AND THE BOARD OF TRUSTEES OF THE VILLAGE OF LEICESTER.

Dated: July 24, 2024

Village Clerk for the Village of Leicester: Deborah Beardsley
Town Clerk for the Town of Leicester: Amy Neumann

Resolution: Village Trustee, Dan Christiano read dissolution of the existing Leicester fire protection district Resolution.

RESOLUTION ON DISSOLUTION OF LEICESTER FIRE PROTECTION DISTRICT

WHEREAS, the Town Board of the Town of Leicester having duly convened this date for the purpose of considering the dissolution of the existing fire protection district within the Town of Leicester, pursuant to the provisions of General Municipal Law, Article 17-A, and

WHEREAS, such dissolution of the fire protection district is necessary for the formation of the Leicester-Cuylerville Volunteer Joint Fire District, into the territory currently encompassed by the existing fire protection district, and the entire territory of the Town of Leicester and the entire territory of the Village of Leicester, and

WHEREAS, at least the majority of the members of the Town Board endorse a proposed dissolution plan, attached hereto as **SCHEDULE A**, and

WHEREAS, the members of the Town Board are required to hold a public hearing on the endorsed proposed dissolution plan, which ideally is held at the same time as the public hearing to create the Leicester-Cuylerville Volunteer Joint Fire District, into the former fire protection district of the Town.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Town Board of the Town of Leicester will hold a public hearing on the 4th day of September 2024, at the Village of Leicester Fire Hall located at 126 Main Street, Leicester, New York at 6:00 pm, to consider the proposed dissolution plan for the dissolution of the existing fire protection district, attached hereto as **SCHEDULE A**, and

BE IT FURTHER RESOLVED AND ORDERED that the Town Clerk is hereby directed to publish and display the Notice of the public hearing in the following manner: publish Notice of the public hearing in the official newspaper having general circulation in the town, at least ten (10) days before, and not more than twenty (20) days before, the date of the public hearing, and display said Notice on the website maintained by the Town of Leicester, each where the existing fire protection district is located. Said Notice shall contain a descriptive summary of the proposed dissolution plan and a reference to the public place or places within the existing fire protection district where a copy of such plan may be examined, and

BE IT FURTHER RESOLVED AND ORDERED that the Town Clerk shall: cause a copy of the proposed dissolution plan, along with a descriptive summary thereof, to be displayed and readily accessible to the public for inspection in a public place or places within the existing fire protection district; cause the proposed dissolution plan, along with a descriptive summary thereof and a reference to the public place or places within the entity where a copy thereof may be examined, to be displayed on the website maintained by the Town of Leicester; arrange for the publication of the descriptive summary of the proposed dissolution plan, and a reference to the public place or places within the existing fire protection district where a copy thereof may be examined, such publication being at least once each week for four successive weeks in a newspaper having a general circulation within the Town of Leicester;

BE IT FURTHER RESOLVED AND ORDERED that the resolution to be considered at the public hearing is as follows:

“NOW, THEREFORE, BE IT RESOLVED AND ORDERED, that the Town Board of the Town of Leicester determines that it is in the public interest to dissolve the existing fire protection district pursuant to the proposed dissolution plan for the dissolution of the existing fire protection district, attached hereto as **SCHEDULE A,** and

BE IT FURTHER RESOLVED AND ORDERED that the Town Clerk is hereby directed to cause a certified copy of this resolution to be duly recorded in the office of the clerk of Livingston County and shall, within ten (10) days cause a certified copy of this resolution to be filed in the New York State Department of Audit and Control at Albany, New York, and

BE IT FURTHER RESOLVED AND ORDERED that, as soon as the condition precedent to the formation of the Leicester-Cuylerville Volunteer Joint Fire District into the (former) existing fire protection district, have now been met with the resolution to dissolve the existing fire protection district, the Town Clerk is hereby directed to cause a certified copy of the resolution forming the Leicester-Cuylerville Volunteer Joint Fire District to be duly recorded in the office of the clerk of Livingston County and shall, within ten (10) days, cause a certified copy of the resolution forming the Leicester-Cuylerville Volunteer Joint Fire District to be filed in the New York State Department of Audit and Control at Albany, New York.

Schedule A: Read by Town Councilmember Jason Yasso.

SCHEDULE A

Proposed Plan for the Dissolution of the Existing Leicester Fire Protection District

The Town Board for the Town of Leicester hereby proposes, pursuant to General Municipal Law, section 774, the following as its dissolution plan for the dissolution of the existing fire protection district:

(a) the name of the local government entity/entities to be dissolved is the Leicester Fire Protection District;

(b) the territorial boundaries of the entity created in place of the existing fire protection district to be dissolved is the entire present borders of the Town of Leicester, where the existing fire protection district currently exist, and the entire present borders of the Village of Leicester;

(c) the local government entity is a fire protection district located within the territorial boundaries of the Town of Leicester, New York;

(d) the fiscal estimate of the cost of dissolution is less than \$15,000, being primarily legal fees, which also includes the formation of the Leicester-Cuylerville Volunteer Joint Fire District into the existing fire protection district;

(e) there are no public employees of the fire protection district to be transferred or eliminated;

(f) the entity has no assets; the entity does not own any real or personal property; the fair value thereof in current money of the United States of the entities assets is \$0.00;

(g) the entity has no liabilities or indebtedness, bonded and otherwise; the fair value thereof in current money of the United States is \$0.00;

(h) there are no agreements entered into with the Town of Leicester to carry out the dissolution which will exist as of September 4, 2024. The only present agreement which will terminate in accordance with such contract, is a fire protection contract for the fire protection district;

(i) the manner and means by which the residents of the entity will continue to be furnished municipal services following the fire protection district's dissolution are by the services of the Leicester-Cuylerville Volunteer Joint Fire District once created, into the (former) existing fire protection district;

(j) as there are no assets or liabilities of the entity, there are no terms for the disposition of the entity's assets and the disposition of its liabilities and indebtedness, including the levy and collection of the necessary taxes and assessments therefor;

(k) there are no local laws, ordinances, rules or regulations of the entity, and thus, none shall remain in effect after the effective date of the dissolution and none shall remain in effect for a period of time other than as provided by section seven hundred eighty-nine of this title;

(l) the effective date of the proposed dissolution of the existing fire protection district is contingent upon the formation of the Leicester-Cuylerville Volunteer Joint Fire District and dissolution will be effective upon the establishment thereof, which are anticipated to occur no later than September 4, 2024;

(m) the public hearing on the dissolution of the existing fire protection district, shall be held on the 4th day of September 2024, at the Village of Leicester Fire Hall located at 126 Main Street, Leicester, New York, which shall commence at 6:00 pm;

(n) there are no other matters desirable or necessary to carry out the dissolution of the existing fire protection district.

Resolution: A Motion was made to accept Resolution as read by Town Councilmember Karen Roffe and Seconded by Councilmember Matthew Durbin.

Roll Call

Town Councilmember, Gerald Hull, Aye

Town Councilmember, Matthew Durbin, Aye

Town Councilmember, Karen Roffe, Aye

Town Councilmember, Jason Yasso, Aye

Town Supervisor, Richard White, Aye

Motion carried, Ayes 5, Noes 0.

PUBLISH IN NEWSPAPER ONCE PER WEEK FOR FOUR WEEKS

WEEK 1: AUGUST 4 - 10

WEEK 2: AUGUST 11 - 17

WEEK 3: AUGUST 18 - 24

WEEK 4: AUGUST 25 - 31

PUBLIC NOTICE

PLEASE TAKE NOTICE that the Town Board of the Town of Leicester is considering the following resolution: the Town Board of the Town of Leicester proposes to dissolve the existing fire protection district as required for the formation of the Leicester-Cuylerville Volunteer Joint Fire District, into all of the territory of the (former) existing fire protection district including all of the territory of the Town of Leicester and all of the territory of the Village of Leicester. The proposed dissolution shall become effective upon the effective date of the formation of the Leicester-Cuylerville Volunteer Joint Fire District. The Town Board may meet immediately following the public hearing to vote on the proposal.

PLEASE TAKE FURTHER NOTICE THAT A PUBLIC HEARING WILL BE HELD on the 4th day of September 2024, at the Village of Leicester Fire Hall located at 126 Main Street, Leicester, New York, which shall commence at 6:00 pm to consider the resolution. A copy of the proposed plan is available for viewing at the Town Hall, located at 132 Main Street, Leicester, New York.

DESCRIPTIVE SUMMARY OF DISSOLUTION PLAN

The Town Board proposes to dissolve the existing fire protection district in the Town of Leicester as part of the process of creating the Leicester-Cuylerville Volunteer Joint Fire District, into the entire portion of the territory of the (former) existing fire protection district, including all of the territory of the Town of Leicester and all of the territory of the Village of Leicester, which will protect the residents of the entire town and village. The fire protection district has no assets, liabilities or employees and there are no costs related to the dissolution other than attorney's fees of up to \$15,000 to form the Leicester-Cuylerville Volunteer Joint Fire District. The dissolution will only happen if the Town forms the Leicester-Cuylerville Volunteer Joint Fire District, into the (former) fire protection district of the Town. The residents of the existing fire protection district area will continue to be provided fire protection by the same local fire companies. The proposed dissolution is to become effective at the same time that the formation of the Leicester-Cuylerville Volunteer Joint Fire District becomes effective. The Town of Leicester will hold a public hearing on the proposed plan on the 4th day of September 2024, at the Village of Leicester Fire Hall located at 126 Main Street, Leicester, New York, which shall commence at 6:00 pm to take comment from interested persons. The proposed dissolution plan may be examined at the Town Hall, located at 132 Main Street, Leicester, New York.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that on the 4th day of September, 2024, at the Village of Leicester Fire Hall located at Leicester, New York, the Town Board of the Town of Leicester will hold a public hearing, which shall commence at 6:00 pm, to consider the following resolution: the Town Board of the Town of Leicester proposes to dissolve the existing fire protection district as required for the formation of the Leicester-Cuylerville Volunteer Joint Fire District, into all of the territory of the (former) existing fire protection district. The proposed dissolution shall become effective upon the effective date of the formation of the Leicester-Cuylerville Volunteer Joint Fire District. The Town Board may meet immediately following the public hearing to vote on the proposal. A copy of the plan is available for viewing at the Town Hall, located at 132 Main Street, Leicester, New York.

DESCRIPTIVE SUMMARY OF DISSOLUTION PLAN

The Town Board proposes to dissolve the existing fire protection district in the Town of Leicester as part of the process of creating the Leicester-Cuylerville Volunteer Joint Fire District, into the entire portion of the territory of the (former) existing fire protection district, including all of the territory of the Town of Leicester and all of the territory of the Village of Leicester, which will protect the residents of the entire town and village. The fire protection district has no assets, liabilities or employees and there are no costs related to the dissolution other than attorney's fees of up to \$15,000 to form the Leicester-Cuylerville Volunteer Joint Fire District. The dissolution will only happen if the Town forms the Leicester-Cuylerville Volunteer Joint Fire District, into the (former) fire protection district of the Town. The residents of the existing fire protection district area will continue to be provided fire protection by the same local fire companies. The proposed dissolution is to become effective at the same time that the formation of the Leicester-Cuylerville Volunteer Joint Fire District becomes effective. The Town of Leicester will hold a public hearing on the proposed plan on the 4th day of September 2024, at the Village of Leicester Fire Hall located at 126 Main Street, Leicester, New York, which shall commence at 6:00 pm to take comment from interested persons. The proposed dissolution plan may be examined at the Town Hall, located at 132 Main Street, Leicester, New York.

Motion: A Motion was made to split Fees of the Fire Attorney Brad Pinsky 50/50% split of \$15,000.00 with Town by Village Trustee Tom Frantz and Seconded by Village Trustee Don Jacobs.

Mayor Barry Briffa, Aye

Village Trustee, Ken Rizzo, Aye

Village Trustee, Tom Frantz, Aye

Village Trustee, Don Jacobs, Aye

Village Trustee, Dan Christiano, Aye

Motion carried. Ayes 5, Noes 0.

Motion: A Motion was made to split Fees of the Fire Attorney Brad Pinsky 50/50% split of \$15,000.00 with Village by Town Councilmember Gerald Hull and Seconded by Town Councilmember Karen Roffe. Supervisor, Richard White, Aye
Town Councilmember, Jason Yasso, Aye
Town Councilmember, Gerald Hull, Aye
Town Councilmember, Karen Roffe, Aye
Town Councilmember, Matthew Durbin, Aye
Motion carried. Ayes 5, Noes 0.

Mayor Briffa wanted to have both boards sign resolutions tonight and each board have an original copy.

No Questions or concerns from either board.

Supervisor White asked Leicester Fire Department Member John Yasso if the dates that have been discussed that the fire hall is available, and his reply was yes.

The attorney Brad Pinsky from Pinsky Law Firm will be at a public hearing on August 21, 2024

ADJOURNMENT FOR TOWN: A Motion was made to adjourn the Town Meeting at 6:29 p.m. by Councilmember Karen Roffe and Seconded by Councilmember Jason Yasso.
Motion carried. Ayes 5, Noes 0.

ADJOURNMENT FOR VILLAGE: A motion was made to adjourn by Village Trustee Dan Christiano and Seconded by Village Trustee Tom Frantz at 6:29 pm.
Motion carried. Ayes 5, Noes 0.

**Respectfully submitted by,
Amy Neumann, Town Clerk**