

Resolution of the Board of Fire Commissioners of the Vly-Atwood Fire District in the Town of Marbletown Adopting the Plan of Dissolution of the Vly-Atwood Fire District (FD 087) Following a Public Hearing Pursuant to General Municipal Law Article 17-A

WHEREAS, Title 3 of Article 17-A of the General Municipal Law authorizes the governing body of a local governmental entity including the board of fire commissioners of a fire district upon its own resolution to dissolve that local governmental entity; and

WHEREAS, the Vly-Atwood Fire District ("Fire District") is no longer able to deliver the necessary services for which it has existed and has for several months relied entirely upon the services of neighboring districts and departments for the provision of fire and emergency services within in the Fire District; and

WHEREAS, at a Meeting conducted on May 22, 2022, the Board of Fire Commissioners of the Vly-Atwood Fire District determined that the dissolution of the Fire District was in the public interest of the residents and property owners within the boundaries of the Fire District; and

WHEREAS, at a Meeting conducted on May 22, 2022 the Board of Fire Commissioners of the Vly-Atwood Fire District adopted a Proposed Plan of Dissolution of the Vly-Atwood Fire District, published and posted the Proposed Plan of Dissolution, and scheduled a Public Hearing on the Proposed Plan of Dissolution as required by law, and

WHEREAS, the Board of Fire Commissioners of the Vly-Atwood Fire District submitted said Proposed Plan of Dissolution for public comment and discussion at a Public Hearing that was held on June 26, 2022 after the appropriate posting and publication of a Notice of Public Hearing as required by law; and

WHEREAS, following the conclusion of the Public Hearing conducted on June 26, 2022, the Board of Fire Commissioners of the Vly-Atwood Fire District after due deliberation and consideration thereon determines that approval of the Proposed Plan of Dissolution as the final version of the Plan of Dissolution is proper and warranted.

NOW THEREFORE,

BE IT RESOLVED, that the Proposed Plan of Dissolution is hereby adopted as the final version of the Plan of Dissolution of the Vly-Atwood Fire District, and

BE IT FURTHER RESOLVED, that upon the dissolution of the Fire District, fire protection will continue to be provided unabated pursuant to mutual aid agreements already in place and already providing coverage to the residents and properties of the Fire District, and

BE IT FURTHER RESOLVED, that the Board of Fire Commissioner of the Vly-Atwood Fire District, with the continued assistance of the Town Board of the Town of Marbletown and the Town Clerk of the Town of Marbletown, shall wind down the affairs of the Fire District pursuant to General Municipal Law § 787 and shall dispose of Fire District property as provided by law, make provisions for the payment of all indebtedness thereof and for the performance of its contracts and obligations, and if applicable and appropriate under the law, levy taxes and assessments as necessary to accomplish the dissolution, and

BE IT FURTHER RESOLVED, that the outstanding debts, liabilities and obligations of the dissolved Fire District shall be assumed by the Town of Marbletown and shall be a taxable charge upon the taxable property within the limits of the dissolved Fire District, and the Town Board of the Town of Marbletown shall have all of the powers that the Board of Fire Commissioner of the Vly-Atwood Fire District possessed prior to the dissolution of the Fire District with respect to any such debts, liabilities and obligations pursuant to General Municipal Law § 790, and

BE IT FURTHER RESOLVED, that the Board of Fire Commissioner of the Vly-Atwood Fire District in the exercise of its discretion hereby appoints the Town Supervisor of the Town of Marbletown to adjudicate any and all claims so filed against the Fire District, pursuant to General Municipal Law § 787(2), and

BE IT FURTHER RESOLVED, that upon the dissolution of the Vly-Atwood Fire District, all of the Fire District's records, books and papers shall be transferred to and deposited with the Town Clerk of the Town of Marbletown and shall thereupon become part of the records of the Town, and

BE IT FURTHER RESOLVED, that the Town Clerk serving in the capacity as the de facto Secretary to the Fire District is directed to publish such notices as required by General Municipal Law Sections 787(2) and 775 providing notice that all claims against the Fire District excluding any arising from outstanding securities be filed with the Town no later than October 3, 2022 and that all claims not so filed shall be forever barred.

Motion to adopt the Resolution made by Commissioner Cirone,

seconded by Commissioner _____

On the resolution:

1. Commissioner Cirone
2. Commissioner Countryman
3. Commissioner Friedman
4. Commissioner Tiedemann
5. Commissioner Countryman

This RESOLUTION is approved

Dated: June 26, 2022

John Cirone, Chairman

Heather Moody, Town Clerk