

RESOLUTION 2009-8

RESOLUTION REGARDING 2009 FIRE PROTECTION

At a Regular Meeting of the Town Board of the Town of Enfield, held in and for the Town of Enfield at the Enfield Town Hall on the 14th day of January, 2009, with the following members being present: Frank Podufalski, Supervisor; Robert Harvey, Councilperson; Roy Barriere, Councilperson; Herb Masser, Jr., Councilperson; and Stephanie Gaynor, Councilperson; and the following members being absent: none; and the following motion for a Resolution was duly made by motion of *Supervisor Podufalski*, and was duly seconded by *Councilperson; Masser*; and the vote was as follows: Frank Podufalski -*aye*; Robert Harvey *absent*; Roy Barriere -*aye*; Herb Massler, Jr., -*aye*; and Stephanie Gaynor -*aye*; and the following Resolution therefore passed *-*, and was duly adopted:

WHEREAS, the Town Board of the Town of Enfield ("Town Board") approved certain resolutions on December 10, 2008 for the formation of a fire district in the Town of Enfield; and

WHEREAS, the Town Board anticipated the fire district to become operational on or about January 15, 2009 with the delivery of fire protection and emergency services to be delivered by the fire district within the Town of Enfield beginning on or about January 15, 2009; and

WHEREAS, the Town Board provided for such fire and emergency services through an Inter-Municipal Agreement ("IMA") with such fire district provided, however, that the Enfield Volunteer Fire Company, Inc., would provide fire protection and emergency service from January 1, 2009 to the commencement of operations by the prospective fire district on or before January 15, 2009; and

WHEREAS, the IMA approved by the Town Board also provided for the contingency that should the fire district's formation not be completed on or before January 15, 2009 by virtue of the filing of a petition for permissive referendum, or otherwise, the consideration paid by the Town to the fire district shall be prorated to the date that the \$279,900.00 payable to the fire district and the per diem of \$766.84, shall be payable to the Enfield Volunteer Fire Company, Inc. from January 1, 2009 to the date of the fire district's organizational meeting and commencement of operations; and

WHEREAS, a petition for a permissive referendum pursuant to Article 7 of the Town Law has been filed with the Clerk of the Town of Enfield; and

WHEREAS, a referendum on fire district formation will be scheduled by the Town Board for March, 2009; and

WHEREAS, continuing fire protection and emergency services must be provided within the Town of Enfield pending such referendum and

WHEREAS, the agreed upon procedures for the fire protection district states that, if for any reason, an annual fire contract is not agreed upon for the following year the parties will continue services for fire protection upon the existing contract upon a periodic basis pending the execution of the new year's fire contract; and

WHEREAS, upon due deliberation thereupon, it is hereby

RESOLVED, that the "Town of Enfield 2008 Fire Protection Contract," as and if amended, is hereby extended through and including March 31, 2009 by the mutual agreement of the parties and that the Enfield Volunteer Fire Company, Inc. shall be paid the sum of \$69,015.60, that being ninety (90) days of the per diem sum of \$766.84 as and for consideration under such extension, which sum shall be due and payable immediately; and it is further

RESOLVED, that as the Town Board desires to continue negotiations for a 2009 Fire Protection Contract in the event referendum results prohibit the formation of a fire district, and in furtherance thereof, the Town Board a Public Hearing will be held at the Enfield Town Hall on the ~~11th~~ day of February, 2009 at ~~7:00~~ o'clock P.M., pursuant to Town Law Section 184, and to thereat consider the 2009 Fire Protection Contract and to take such action thereon as is required or permitted by law; and it is further

RESOLVED, that the Town Clerk of the Town of Enfield, Tompkins County, New York, is hereby authorized and directed to cause a Notice of Public Hearing to be published in the official newspaper of the Town of Enfield and to post a copy thereof on the Town signboard maintained by the Town Clerk in accord with law and at least 10 days before such public hearing.