

TOWN OF ENFIELD
INFORMATIONAL PUBLIC HEARING MINUTES
FRIDAY, AUGUST 24, 2007
7:00 P.M.

An informational public hearing on forming a fire district was held Friday, August 24, 2007 at the Enfield Community Building, 182 Enfield Main Road, Ithaca, NY at 7:00 p.m. with Supervisor Owens presiding.

Present: Supervisor Jean Owens, Councilperson Sandra Small, Councilperson Robert Harvey, Councilperson Peggy Hubbell, Town Clerk Alice Laue and Attorney for the Town Tim Mattison.

Absent: Councilperson Jennifer Fisher.

Others Present: Gary Fisher, Roy and Carol Barriere, Jack Hubbell, Louis Loiselle, Ed Hetherington.

Pledge of Allegiance to the Flag: Supervisor Owens called the hearing to order by leading the assemblage in the Pledge of Allegiance to the Flag.

Attorney for the Town Tim Mattison advised that the Town has no authority to directly provide fire protection to its citizens and said the Town could not go out and hire people and form their own fire department. Option available are to form a fire protection district (which Enfield has now) or form a fire district. Both of these districts termed under NY State Law as special districts.

In a fire protection district the Town Board sets the amount of taxes, sets the budget and has a contract with the fire company for fire protection. The Town itself hires someone to protect those properties that are within the fire protection district boundaries. Within a fire protection district a Town can contract with one or more fire departments, a Town can have one or more fire districts within its boundaries. Mr. Mattison said the critical thing to remember is that the Town sets the amount of money it will spend on a fire protection district based on the budget. Final word sets with the Town Board elected by the citizens of the Town.

Mr. Mattison highlights that with respect to a fire district, it can encompass part or all boundaries of a Town. A fire district is a separate municipal corporation headed up by a Board of Commissioners. A fire district with its Board of Commissioners sets its own budget, levies its own taxes, it can sue and be sued, it can encumber debt, it can purchase equipment, and in some instances it can have employees, like a paid fire dispatcher or staff, in most common upstate areas, like Enfield, its on a volunteer basis. He says that the fundamental thing to remember is that a fire district sets its own budget, levies its own taxes. If a fire district is formed and the people of the town sees that on their town tax bill there is a separate line that says fire district, the Town Board has nothing to do with setting that amount, the Town Board simply passes it along to the people. If the people do not like what the fire commissioners are doing, they can vote them out. Board of Commissioners are elected for a two year term, election is the second week in December.

Mr. Mattison says that the major distinction between the two is a fire prevention district is funded by the Town Board directly. Fire district fund themselves through taxation of properties within the fire district. The idea behind a fire district is to take some of the responsibility off the shoulders of Town Board members.

Many of the laws that apply to a Town apply to a fire district in terms of meetings open to the public and certain budgeting requirements set by the State Comptroller. Borrowing is subject to public referendum.

Questions and Answers:

Q: Can fire commissioners be firemen?

A: Yes, anyone can run for the office of commissioner but they cannot hold an office in the fire department. I.e. fire chief of fire department cannot run for office of Fire Commissioner.

Q: Are people paid?

A: No.

Q: As it stands now, Fire Company is responsible for its debts, so if we go to a fire district the taxpayers take over the debt, correct?

A: Understanding is they can, but does not necessarily have to happen. Commissioners would have to vote on this.

Q: Councilperson Harvey asked who would be responsible for the costs associated with holding a special election and thought the taxpayers would eventually incur that expense.

A: Supervisor Owens responded that the Fire Department would be responsible for payment of costs associated with holding a special election.

A: Councilperson Harvey confirmed that that would be a cost passed on to the taxpayers.

Q: Councilperson Small understood that if the citizens are voting on a piece of equipment via a public referendum, they are essentially approving the debt and thus the taxpayer would be responsible for that debt.

A: Mr. Mattison said that a Board of Fire Commissioners has the right to incur debts and raise taxes and yes, the taxpayers would be responsible for the debt.

Q: Supervisor Owens added that voters have the ability to make some decisions, not just the elected Board of Fire Commissioners.

A: Mr. Mattison said that under NY State Public Finance Law there is a price for equipment that is going to be purchased and has a useful life of more than five years and there is a need for borrowing to purchase it, it has to be submitted by referendum to the voters in order to get it approved.

Q: Is a public referendum limited to equipment?

A: Mostly equipment, but if doing capital improvements, yes. Anything subject to borrowing requires a public referendum.

Q: Would a fire district with a Board of Commissioners be able to make a decision about the financial obligation of the department?

A: Yes.

Q: Councilperson Harvey asked that if a Town Board creates a fire district; can a Town Board dissolve it?

A: There are provisions for the dissolution of a fire district.

Q: How is a fire district dissolved?

A: It starts with a resolution, requires a public hearing, subject to public referendum. It is an involved process.

Q: How does a fire district get started?

A: You still maintain an independent fire company that answers to the Board of Commissioners.

Informational public hearing closed at 7:35 p.m.

Executive Session:

Motion made by Councilperson Hubbell, seconded by Councilperson Harvey that the Town Board move into Executive Session as requested by the Attorney for the Town Tim Mattison.

Discussion: none

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens aye. Councilperson Fisher was absent.

Motion carried. Meeting moved into Executive Session at 7:45 p.m.

Motion made by Councilperson Harvey, seconded by Councilperson Hubbell that the Town Board move out of Executive Session.

Discussion:

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens aye. Councilperson Fisher was absent.

Motion carried. Moved out of Executive Session at 8:10 p.m.

Adjournment:

Motion made by Councilperson Harvey, seconded by Councilperson Hubbell that the informational public hearing on forming a fire district adjourn.

Discussion: none

Vote: Councilperson Small aye, Councilperson Hubbell aye, Councilperson Harvey aye, Supervisor Owens aye. Motion carried.

Meeting adjourned at 8:12 p.m.

Respectfully submitted,

Alice Laue, Town Clerk