

**RESOLUTION 13 OF 2009**

**RESOLUTION RESCINDING RESOLUTION OF  
FORMATION OF TOWN OF ENFIELD FIRE DISTRICT  
(RESOLUTION 41 OF 2008)**

At a Regular Meeting of the Town Board of the Town of Enfield, held in and for the Town of Enfield at the Enfield Community Center on the \_\_th day of March, 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 Stephanie Gaynor, and was duly seconded by Roy Barriere; and the vote was as follows: Frank Podufalski - aye; Robert Harvey - aye; Roy Barriere - aye, Herb Masser, Jr., - aye; and Stephanie Gaynor - aye; and the following Resolution therefore passed 5-5, and was duly adopted:

WHEREAS, the Town Board considered and passed a Resolution on December 10, 2008, declaring the formation of a Fire District for the whole of the territorial areas encompassed by the political boundaries of the Town of Enfield (said Resolution being Numbered Resolution 41 of 2008); and

WHEREAS, such resolution was passed subject to permissive referendum, even though not subject to referendum by law; and for which the Town was and is not legally empowered or authorized to conduct a referendum; and

WHEREAS, there was submitted a petition and signatures that otherwise would have qualified to require a referendum; said petition and signatures being sufficient in form and having the requisite number of signatures; and

WHEREAS, an attorney representing disgruntled residents opined and advised the Town Board that the manner of creation of the Fire District was infirm as it did not follow the statutory requirements and disenfranchised voters who may have opted to decline to dissolve the Fire Protection District; and the dissolution of a Fire Protection District is subject to a permissive referendum; and

WHEREAS, after directing research and an opinion upon these matters, and several related matters, from the Town's Counsel, and after consulting with such counsel and the New York State Comptroller's Office concerning these several matters, it was determined that the district may not have been properly formed and that the same could interfere with the future funding and operation of the proposed Fire District, such that it was determined, and hereby is declared, to be

in the public interest to rescind the formation of the Fire District and re-start such district formation process at a future time; and

WHEREAS, with deliberation upon the foregoing, and in consideration of the recommendations of the Attorney for the Town and the New York State Comptroller's Office of Legal Counsel, the Town Board of the Town of Enfield has hereby:

RESOLVED, that Resolution 41 of 2008, entitled "Resolutions of Approval of Creation of Enfield Fire District" be and hereby is rescinded, and such Resolutions and the Certificate of Filing thereof are hereby declared to be void and of no force or effect.

SEQRA: Type II.