

**Governing Body Initiated
Proposed Joint Consolidation Agreement**

of

**STAR LAKE FIRE DISTRICT
and
NEWTON FALLS FIRE DISTRICT**

into

**STAR LAKE FIRE DISTRICT
a Consolidated Local Government Entity**

**pursuant to
General Municipal Law Article 17-A**

Prepared by:
Boards of Fire Commissioners of
Star Lake Fire District and
Newton Falls Fire District

Joint Consolidation Agreement
Adopted: October ____, 2023

INTRODUCTION

The Star Lake Fire District ("SLFD") located in the Town of Fine and Town of Clifton (Town of Fine FD014 Town of Clifton FD006) was established by the Towns of Fine and Clifton to have control over the prevention and extinguishment of fires within the territorial boundaries of the fire district and to create a district corporation with the power to contract indebtedness and levy taxes to provide for fire protection and emergency services to the persons and properties within the fire district. The Board of Fire Commissioners of SLFD has always been and continues to be the "governing body" of the "local government entity" as those terms are defined in General Municipal Law §750(10) and (13). SLFD is the authority having jurisdiction and legally charged with the control of the Star Lake Volunteer Fire Department, Inc., a domestic, not-for-profit corporation that serves as the designated fire department for SLFD pursuant to Not-for-Profit Corporation Law §1402 and Town Law §176(10).

The Newton Falls Fire District ("NFFD") in the Town of Clifton (Town of Clifton FD045) was established by resolution of the Town Board of the Town of Clifton to have control over the prevention and extinguishment of fires within the territorial boundaries of the fire district and to create a district corporation with the power to contract indebtedness and levy taxes to provide for fire protection and emergency services to the persons and properties within the fire district. The Board of Fire Commissioners of NFFD has always been and continues to be the "governing body" of the "local government entity" as those terms are defined in General Municipal Law §750(10) and (13). NFFD has a constituent fire company located within its boundaries known as the Newton Falls Volunteer Fire Department, Inc., that serves as the designated fire department for NFFD pursuant to Not-for-Profit Corporation Law §1402 and Town Law §176(10).

The Board of Fire Commissioners of NFFD and the Board of Fire Commissioners of SLFD believe that certain economic and human resources efficiencies may be realized by the consolidation of these two, contiguous, component local government entities into a single, consolidated local government entity to be governed after the effective date of consolidation by the Board of Fire Commissioners of the former SLFD. The consolidated local government entity following consolidation pursuant to General Municipal Law § 750(2)(b) is to be called "Star Lake Fire District".

Pursuant to the Proposed Joint Consolidation Agreement, the boundaries of consolidated Star Lake Fire District as the consolidated local government entity shall include the entirety of the current NFFD and SLFD. Only those properties located within the current boundaries of NFFD and SLFD will be included within the boundaries of the consolidated Star Lake Fire District. Under the Proposed Joint Consolidation Agreement, the respective resident electors and property owners of NFFD and SLFD will become resident electors and property owners within the consolidated Star Lake Fire District after the effective date of the consolidation.

**GOVERNING BODY INITIATED PLAN OF CONSOLIDATION
AND
PROPOSED JOINT CONSOLIDATION AGREEMENT
PURSUANT TO
GENERAL MUNICIPAL LAW SECTION 752**

- (a) The names of the component local government entities to be consolidated are: Newton Falls Fire District [hereinafter "NFFD"] and Star Lake Fire District [hereinafter "SLFD"].
- (b) The proposed consolidated local government entity shall be known as: **"Star Lake Fire District"**.
- (c) The rights, duties and obligations of the proposed consolidated local government entity is to provide for the prevention and extinguishment of fires and attending to all other types of emergencies described within its Organizational Statement pursuant to 29 U.S.C. 651 *et seq.* and 29 C.F.R. 1910.156(b) and to exercise all of those powers conferred upon fire districts as district corporations pursuant to the laws of the State of New York.
- (d) The territorial boundaries of consolidated Star Lake Fire District as the proposed consolidated local government entity will be the aggregation of the existing boundaries of the existing NFFD and SLFD with the exception that in the consolidated local government entity, there will no longer be a boundary line between the current terminus of where the boundary of NFFD meets the boundary of SLFD. A map depicting the boundaries of the proposed consolidated local government entity is annexed hereto as Schedule "A".
- (e) The proposed consolidated local government entity will be a fire district pursuant to Article 11 of the Town Law and a "political subdivision of the state" as set forth in Town Law §174(7) and a "district corporation" and as defined by General Construction Law §66(3).
- (f) The proposed consolidated local government entity will be governed by an elected, five-person board of fire commissioners comprised of adult residents of the proposed consolidated local government entity who are otherwise qualified pursuant to Town Law §174. The current Board of Fire Commissioners of SLFD will govern the consolidated Star Lake Fire District following the effective date of the consolidation and shall be deemed to be the governing body for purposes of a transitional plan. Future annual elections for commissioners will be conducted in the proposed consolidated local government entity as provided for in Town Law §175 according to the existing schedule for the termination of offices for the current fire district commissioners holding office in SLFD. Appointive officers of consolidated Star Lake Fire District will be appointed by the Board of Fire Commissioners of Star Lake Fire District as provided by law.

(g) The fiscal estimate of the annual savings that may be realized from the proposed consolidation of NFFD and SLFD is approximately \$19,000; said amount being the annual budgetary allocation for insurance and administrative costs allocated annually for the operations NFFD. It is estimated that the costs for providing fire protection in the consolidated Star Lake Fire District will be less than the aggregate of the current costs for providing fire protection in both SLFD and NFFD. The fiscal estimate of the cost of the proposed consolidation of NFFD and SLFD \$12,500 comprised primarily of legal and professional fees and newspaper publication costs.

(h)(1) The current value of the cash assets under the control of NFFD is approximately \$142,714 including approximately \$54,000 in designated capital reserve funds. NFFD does not own any real property but occupies a facility at 955 Grove Street Newton Falls NY that is owned by the New Falls Volunteer Fire Department, Inc. that has an assessed value of \$111,000 according to the Town of Clifton 2023 final assessment rolls.

NFFD owns personal property comprised primarily of fire apparatus and firefighting equipment. NFFD owns other items of personal property that are neither firefighting equipment or apparatus and are comprised primarily of furniture and office equipment; memorabilia; and miscellaneous property. The approximate values of the assets of NFFD are as follows: \$138,000 apparatus and rolling stock; \$35,000 firemanic equipment; \$18,000 building equipment and furniture; \$1,000 memorabilia; and \$9,500 miscellaneous equipment.

(2) The value of the cash assets of SLFD is approximately \$195,261. SLFD owns the following real property with an estimated value of \$1,631,891 SLFD owns the following personal property comprised primarily of fire apparatus and firefighting equipment. SLFD owns other items of personal property that are neither firefighting equipment or apparatus and are comprised primarily of furniture and office equipment; memorabilia; and miscellaneous property. The approximate values of the assets of SLFD are as follows: \$1,411,936 apparatus and rolling stock; \$1,500,000 firemanic equipment; \$15,000 building equipment and furniture; \$15,000 memorabilia; and \$90,000 in miscellaneous equipment.

(i) SLFD has long-term indebtedness in the amount of \$480,000 from an apparatus installment purchase contract and SLFD intends to continue to make current, annual payments on this obligation. SLFD does not intend to incur any further debt obligations prior to the effective date of the proposed consolidation. SLFD currently has no bonded indebtedness.

NFFD does not have and indebtedness or liabilities and does not anticipate incurring any indebtedness or liabilities before consolidation apart from those costs reasonably and necessarily incurred in bringing about the consolidation; which costs are expected to be less than \$15,000.00.

- (j) The terms for disposition of NFFD assets are as follows: all cash assets and tangible personal property assets of NFFD will be transferred to SLFD on or after the effective date of the consolidation pursuant to this Proposed Joint Consolidation Agreement. To the extent that any asset transfers may be necessary before the effective date of the consolidation, the Board of Fire Commissioners of NFFD may hasten the transfer of certain assets to SLFD for SLFD's provision of fire protection services for those properties within the current boundaries of NFFD for calendar year 2023 pursuant to a separate resolution.

- (k) Both of the local government entities to be consolidated are governed by the same statutory and regulatory mandates and no need for the common administration of and uniform enforcement of such mandates is expected to be needed under this Proposed Joint Consolidation Agreement. The Fire District Secretary for SLFD will serve as the Fire District Secretary for the consolidated SLFD and will assume custody and control of all of the official records of NFFD and SLFD following consolidation, and will maintain all such records going forward pursuant to the LGS-1 or other document retention schedule mandated by law. The Fire District Treasurer for SLFD will assume custody of all of the finances and financial records of NFFD following consolidation and will serve as the Fire District Treasurer for the consolidated SLFD.

- (l) The effective date for the proposed consolidation is January 1, 2024.

- (m) The date, time, and location of the statutorily required Joint Public Hearing on the proposed joint consolidation plan is **October 10, 2023 commencing at 6:00 PM** at the Star Lake Fire Station 4087 State Route 3, Star Lake, NY 13690.

**DESCRIPTIVE SUMMARY OF PROPOSED JOINT CONSOLIDATION
AGREEMENT OF STAR LAKE FIRE DISTRICT AND
NEWTON FALLS FIRE DISTRICT**

The Board of Fire Commissioners of Star Lake Fire District and the Board of Fire Commissioners of Newton Falls Fire District propose this Joint Consolidation Agreement to provide for the consolidation of the two fire districts into a single, consolidated local government entity as defined by General Municipal Law §750(3).

The proposed consolidation will bring about the combination of two contiguous local government entities resulting in the consolidation of the Newton Falls Fire District (“NFFD”) into and becoming part of the Star Lake Fire District (“SLFD”) with governance of the consolidated fire district being assumed by SLFD. The name of the consolidated local government entity shall be “Star Lake Fire District” and upon consolidation, NFFD shall be the terminated local government entity. The effective date of the proposed consolidation is January 1, 2024.

The provision of fire protection and emergency services in the newly consolidated local government entity will be unaffected and unchanged from past practices with the exception that primary responsibility for the entirety of consolidated Star Lake Fire District shall be the charge of the Board of Fire Commissioners of SLFD. The constituent fire companies within the fire district: Star Lake Volunteer Fire Department, Inc. and Newton Falls Volunteer Fire Department, Inc. shall be under the control of SLFD pursuant to Not-for-Profit Corporation Law § 1402(e) and Town Law Article 11.

The Star Lake Volunteer Fire Department, Inc. previously and going forward operating under the auspices of the Board of Fire Commissioners of SLFD will continue to be the primary provider of active duty firefighting and emergency response personnel who shall continue to serve as employees of the newly consolidated local government entity.

All financial assets including all tax revenues collected by the local government entities will be remitted to the custody and control of SLFD for the continued provision of fire protection and emergency services in the consolidated local government entity.

SLFD will be obligated to provide for the provision of fire protection and related emergency services to those properties within the component local government entity Star Lake Fire District and the component local government entity Newton

Falls Fire District both of which will be deemed to be included and incorporated within the boundaries of the new consolidated local government entity.

The Board of Fire Commissioners of SLFD will become the Board of Fire Commissioners of the consolidated SLFD and be the authority having jurisdiction over the prevention and extinguishment of fires within the entirety of the former component local government entity known as Newton Falls Fire District.

Commencing on the taxable status date in 2024, those taxable parcels currently within the boundaries of the NFFD and SLFD will be contained within the consolidated SLFD and be subject to taxes levied by SLFD. All resident electors of the current NFFD and SLFD will automatically become resident electors of consolidated Star Lake Fire District pursuant to General Municipal Law § 771.

The date, time, and location of the statutorily required Joint Public Hearing on the proposed joint consolidation plan is **October 10, 2023 commencing at 6:00 PM** at the Star Lake Fire Station 4087 State Route 3, Star Lake, NY 13690.

SCHEDULE A
MAP OF CONSOLIDATED DISTRICT

Clifton and Fine Fire and Rescue/Ambulance Districts

Town of Clifton

Town of Fine

- Fine Fire District (50.8 sq mi)
- Fire Fire Protection District (113.9 sq mi)
- Star Lake Fire District (6.7 sq mi)
- Newton Falls Fire District (45.5 sq mi)
- Chantlerry Lake Fire District (92.6 sq mi)
- /// West Clifton Ambulance (47.2 sq mi)

**TO BE PUBLISHED FOUR TIMES--ONE TIME PER WEEK
IN THE WATERTOWN TIMES NEWSPAPER DURING THE CONSECUTIVE WEEKS OF
September 17,
September 24,
October 1 &
ON SUNDAY OCTOBER 9**

**AND POSTED ON THE TOWN OF CLIFTON AND TOWN OF FINE'S WEBSITES FROM
SEPTEMBER 21, 2023 THROUGH OCTOBER 10, 2023**

Notice of Consolidation Agreement and Public Hearing

PLEASE TAKE NOTICE THAT the Board of Fire Commissioners of Star Lake Fire District and the Board of Fire Commissioners of Newton Falls Fire District adopted a joint resolution endorsing a Proposed Joint Consolidation Agreement pursuant to General Municipal Law Section 752.

A Descriptive Summary of the Proposed Joint Consolidation Agreement is set forth below.

**DESCRIPTIVE SUMMARY OF PROPOSED JOINT CONSOLIDATION
AGREEMENT OF NEWTON FALLS FIRE DISTRICT (FD045) AND
STAR LAKE FIRE DISTRICT (FD006)**

The Board of Fire Commissioners of Star Lake Fire District (FD006) and the Board of Fire Commissioners of Newton Falls Fire District (FD045) propose adopting a Joint Consolidation Agreement to provide for the consolidation of the two fire districts into a single, consolidated local government entity as defined by General Municipal Law §750(3).

The proposed "consolidation" will bring about the combination of two local government entities resulting in the termination of the existence of the Newton Falls Fire District with the result being that Star Lake Fire District shall absorb the terminated local government entity.

The newly "consolidated local government entity" that is to be formed shall (continue to) be known as "Star Lake Fire District".

The provision of fire protection and emergency services in the newly consolidated local government entity will be unaffected and unchanged from past practices with the exception that primary responsibility for the entirety of the consolidated Star Lake Fire District shall be under the charge of the Board of Fire Commissioners of Star Lake Fire District and all of the constituent fire companies located within the consolidated, Star Lake Fire District shall be under the control of the Board of Fire Commissioners of Star Lake Fire District pursuant to Not-for-Profit Corporation Law § 1402(e) and Town Law Article 11.

The Star Lake Volunteer Fire Department, Inc. the designated fire company currently providing services and operating under the auspices of the Board of Fire Commissioners of Star Lake Fire District will continue to be the primary provider of

active duty firefighting and emergency response personnel who shall continue to serve as employees of the newly consolidated local government entity.

All financial assets including all past and future tax revenues collected by the local government entities will be remitted to the custody and control of Star Lake Fire District for the continued provision of fire protection and emergency services in the consolidated local government entity.

Star Lake Fire District will be obligated to provide for the provision of fire protection and related emergency services to those properties within the former Newton Falls Fire District that will be deemed to be included and incorporated within the boundaries of the consolidated local government entity, Star Lake Fire District.

The Board of Fire Commissioners of Star Lake Fire District will remain the authority having jurisdiction over the prevention and extinguishment of fires within the entirety of the consolidated local governmental entity.

Commencing in 2024, those taxable parcels currently within the boundaries of the Newton Falls Fire District will be contained within the Star Lake Fire District and subject to taxes levied by Star Lake Fire District. Following consolidation, all qualified resident electors of Newton Falls Fire District will become resident electors of the Star Lake Fire District pursuant to General Municipal Law § 771.

PLEASE TAKE FURTHER NOTICE that the respective Proposed Joint Consolidation Agreement and Descriptive Summary may be viewed in their entirety during normal business hours at Star Lake Fire District offices 4087 State Route 3, Star Lake, New York 13690 or the Newton Falls Fire District offices 955 Grove Street, Newton Falls, 13666.

PLEASE TAKE FURTHER NOTICE that a Joint Public Hearing to hear all persons interested in the matter of the Proposed Joint Consolidation Agreement is scheduled to be held on Tuesday October 10, 2023 commencing at 6:00 PM at the Star Lake Fire District offices 4087 State Route 3, Star Lake, New York 13690.

Dated: September 15, 2023

Board of Fire Commissioners Newton Falls Fire District
Board of Fire Commissioners Star Lake Fire District