

**PROPOSED GOVERNING BODY INITIATED  
PLAN OF DISSOLUTION  
OF THE  
NEWPORT FIRE PROTECTION DISTRICT (FD 190)  
IN THE TOWN OF NORWAY  
PURSUANT TO  
GENERAL MUNICIPAL LAW ARTICLE 17-A**

Prepared by:  
Town Board  
Town of Norway  
ADOPTED September 14, 2017

## INTRODUCTION

The Newport Fire Protection District (FD 190) (“Protection District”) in the Town of Norway (“Town”) was established by resolution of the Town Board of the Town to provide a means to collect tax revenue to provide for fire protection and emergency services to the persons and properties within the Protection District. The Town Board of the Town has always been and continues to be the “governing body” of the Protection District. The levy of taxes upon the taxable parcels in the Protection District has been the means utilized by the Town for providing tax-based funding for fire protection and emergency services within the boundaries of the Protection District. The fire protection and emergency services for all times relevant hereto have been provided to the Protection District by the Newport Volunteer Fire Company Number 4, Inc. (“Department”) by means of fire protection contracts negotiated between the Department and the Town pursuant to Town Law §184.

By resolution dated June 21, 2017, the Town Board of the Town agreed to form the Newport Joint Fire District (“NJFD”) in cooperation with the Village of Newport and the Town of Newport. The determinations establishing NJFD have been filed with the New York State Department of Audit and Control and recorded in the office of the Clerk in and for the County of Herkimer as required by Town Law §189-d.

The Board of Fire Commissioners for NJFD is scheduled to take office effective October 2, 2017. The first tax levy for NJFD is planned for 2018. With the transition to NJFD, the Protection District is no longer needed. Therefore the Town brings forth the within Governing Body Initiated Dissolution Plan to comply with the legal mandates in compliance with General Municipal Law Article 17-A.

**PROPOSED GOVERNING BODY INITIATED DISSOLUTION PLAN  
PURSUANT TO  
GENERAL MUNICIPAL LAW SECTION 774**

- (A) The name of entity to be dissolved is the Newport Fire Protection District (FD 190), hereinafter referred to as the "Protection District".
- (B) The territorial boundaries of the Protection District exist as designated by the Town Board of the Town of Norway as "FD 190", including all properties included in the 2017 final tax roll for FD 190. The boundaries are generally described as follows: FD 190 and more generally understood to be the entirety of the Town of Norway with the exception of the Poland Fire Protection District #1 (FD 180) served by the Poland Volunteer Fire Department and with the further exception of those properties located at, along, the near the southern and eastern boundary of the Norway town line in the vicinity of the extreme southern end of Military Road and the northern end of Comstock Road and running generally westerly to the intersection of the Hard Scrabble Road and the southern town line and that are comprised of properties that are and have traditionally been served by the Middleville Fire Department. A map depicting the Protection District is available for inspection the office of the Town Clerk. The boundaries of the Protection District and the parcels included therein are identical to the boundaries of and parcels within the Town of Norway that are included in the newly formed Newport Joint Fire District.
- (C) The type of entity is a fire protection district as described in Town Law §184.
- (D) If uncontested, the cost of the proposed dissolution is estimated to be less than \$500.00.
- (E) No public employees will be affected by the dissolution.
- (F) The Protection District does not own any physical assets. The Protection District does not have any long-term liabilities or indebtedness. The Protections District does not own cash assets.
- (G) The Protection District has no actual or contingent liabilities or indebtedness as of the date of the proposed Dissolution Plan. The Protection District does not anticipate incurring any liabilities before dissolution apart from those costs reasonably and necessarily incurred in bringing about the dissolution; which costs are expected to be less than \$500.00. The Protection District does not have any bonded indebtedness and does not intend to incur any obligations prior to dissolution.
- (H) Except as otherwise noted herein, the Protection District has not entered into any agreements with any other municipal entities. The only agreement contemplated being entered into is with the NJFD for the continuation for fire protection and emergency services by the Department through December 31, 2017, as per the contract currently in effect between the Town and the Department pursuant to Town Law §184. As the tax revenue collected in 2017 from the property owners

in the Protection District and previously conveyed to the Department may be loosely construed to be an asset, the Department, and ultimately NJFD, is responsible for the obligation to assure that services continue and that proper credit is made to 2017 tax levy for those parcels that were assessed and paid the 2017 Protection District tax levy.

- (I) The residents and businesses of the area included within the Protection District will continue to be provided fire protection and emergency services through December 31, 2017 pursuant to the contract between the Town and the Department.
- (J) The terms for disposition of assets and liabilities are as follows:
  - (1) There are no assets to be disposed of.
  - (2) There are no liabilities or indebtedness. It is expressly provided that there shall be no further tax levies made by the Protection District provided that the NJFD 2018 tax levy proceeds as expected. In the unlikely the event that NJFD is prevented or precluded from instituting a 2018 tax levy, the Protection District will be deemed to continue to exist past December 31, 2017 for a sufficient period of time and solely as a means to implement a 2018 levy to fund fire protection services by NJFD.
- (K) No rule or regulation of the Protection District or Town is expected to be necessary or remain in effect after the dissolution occurs.
- (L) The effective date of the proposed dissolution is December 31, 2017. In the unlikely the event that NJFD is prevented or precluded from instituting a 2018 tax levy, the Protection District will be deemed to continue to exist past December 31, 2017 and solely for a sufficient period of time so as to implement a 2018 levy to fund fire protection services on behalf of NJFD.
- (M) The date, time, and location of the statutorily required Public Hearing on the proposed dissolution plan is: FRIDAY OCTOBER 20, 2017 commencing at 7:00 PM at the **Town of Norway Community Center 3114 Military Rd. Newport, NY 13416.**
- (N) Miscellaneous Matters
  - (1) Prior to and upon dissolution, that the NJFD will undertake such actions as may be reasonable and prudent to provide for the continued provision of fire protection to the area formerly known as the Protection District.
  - (2) The Norway Town Clerk on behalf of the Town Board of the Town of Norway shall cause this proposed Plan of Dissolution to be published in accordance with General Municipal Law §775 and conduct a public hearing concerning the proposed dissolution pursuant to General Municipal Law §776.

## **DESCRIPTIVE SUMMARY OF PROPOSED PLAN OF DISSOLUTION**

The Newport Fire Protection District (FD 190) Plan of Dissolution provides for the dissolution of the Protection District effective December 31, 2017. The provision of fire protection and emergency services will be unaffected and will continue to be provided to the area comprising the Protection District of the Newport Volunteer Fire Company Number 4, Inc. under the auspices of the Board of Fire Commissioners of the newly created Newport Joint Fire District ("NJFD"). All tax revenue collected by the Protection District pursuant to the 2017 tax levy has already been remitted to the Newport Volunteer Fire Company Number 4, Inc. as payment for services through December 31, 2017. The Protection District does not possess any cash assets or own any property. The Protection District has no employees. Once, the Board of Fire Commissioners of the NJFD is established and the NJFD becomes functional, NJFD will become the authority having jurisdiction over Newport Volunteer Fire Company Number 4, Inc. will be obligated to provide for the provision of fire protection and emergency services to those properties within the Protection District that are now deemed to be included and incorporated within the boundaries of the NJFD. The Protection District will be dissolved effective December 31, 2017, absent any contingency impeding the NJFD from implementing a 2018 budget and tax levy.