

**AMENDED AND RESTATED RESOLUTION  
APPROVING ALTERATION OF BOUNDARY OF  
JOHNSBURG FIRE PROTECTION DISTRICT AND  
EXTENSION OF NORTH CREEK FIRE DISTRICT**

**WHEREAS**, on December 15, 2020 by Resolution #202-20 the Johnsburg Town Board adopted Resolution entitled Resolution Approving Alteration of Boundary of North Creek Fire Protection District and Extension of North Creek Fire District; and

**WHEREAS**, there were mistaken typographical references to the Johnsburg Fire Protection District in two places (the title and the second WHEREAS) referencing such district by an incorrect reference the “North Creek Fire Protection District”) and this Amended and Restated Resolution corrects these two references; and

**WHEREAS**, the North Creek Fire District (“Fire District”) was duly established by the Johnsburg Town Board to serve certain areas of the Town of Johnsburg; and

**WHEREAS**, the Johnsburg Fire Protection District (“FPD”) was duly established by the Town Board to serve other areas of the Town of Johnsburg; and

**WHEREAS**, the Town has for many years entered into a contract with the Fire District to provide fire protection services to a portion of the FPD as shown on the map on file with the Town Clerk (the “Extension Area”); and

**WHEREAS**, the Town Board has determined that it would be to the mutual benefit of the Town and the Fire District and in the best interests of the Town, the FPD, the Fire District and those persons and properties within the Extension Area for this area to become part of the Fire District and no longer be included within the FPD; and

**WHEREAS**, in order to make these changes, the Town Board needs to (1) alter the boundary of the FPD to exclude the Extension Area pursuant to Town Law Section 172-c, and (2) extend the Fire District to include the Extension Area pursuant to Town Law Section 170(2); and

**WHEREAS**, both the alteration of the FPD boundary and the extension of the Fire District require the Town Board to hold a public hearing;

**WHEREAS**, on December 1, 2020 the Town Board adopted an Order (the “Public Hearing Order”) reciting the time and place of a public hearing on the proposed FPD boundary alteration and Fire District extension; and

**WHEREAS**, Notice of the Public Hearing was duly published, posted and included on the Town’s website as required by law; and

**WHEREAS**, pursuant to Town Law Section 170(2), the Fire District Board of Fire Commissioners consented to the Fire District extension, which Consent was duly filed in the Office of the Johnsburg Town Clerk;

**WHEREAS**, a public hearing on the proposed FPD boundary alteration and Fire District extension was duly held on December 15, 2020 and the Town Board has considered the evidence given thereat together with other information; and

**WHEREAS**, the proposed actions are Unlisted Actions pursuant to the State Environmental Quality Review Act (SEQRA) and the Town previously prepared Part 1 of a SEQRA Short Environmental Assessment Form (SEAF); and

**WHEREAS**, the Town Board previously determined to conduct uncoordinated SEQRA review (as the New York State Comptroller is an Involved Agency) and has reviewed and fully considered the proposed actions and Part 1 of the SEAF, and has completed Part 2 of the SEAF by checking "No or small impact may occur" for all of the questions in Part 2; and

**WHEREAS**, the Town Board wishes to confirm the alteration of the FPD boundary and extend the Fire District as described in the Public Hearing Order in accordance with Town Law Article 11;

**NOW, THEREFORE, BE IT**

**RESOLVED**, the Town Board previously determined that the proposed actions would not result in any large or important impacts and, therefore, would not have a significant adverse impact on the environment and the Town Supervisor was authorized and directed to indicate this determination by checking the appropriate box on Part 3 of the SEAF and to file the completed SEAF as the Town Board's SEQRA Negative Declaration for the proposed actions; and be it further

**RESOLVED**, that the Johnsburg Town Board hereby affirms and ratifies its previous actions and again determines that:

1. The FPD boundary alteration and Fire District Extension Area as described in the Public Hearing Order is in the public interest;
2. Notice of the Public Hearing was published and posted as required by law and is otherwise sufficient;
3. All property and property owners within the Fire District Extension Area are benefited thereby;
4. All property and property owners benefited are included within the limits of the Fire District Extension Area;

and be it further

**RESOLVED**, that the Town Board hereby approves and authorizes alteration of the FPD boundary to exclude the Extension Area in accordance with the boundaries and descriptions set forth in the previously described Public Hearing Order; and be it further

**RESOLVED**, that the Town Board hereby approves and authorizes extension of the Fire District to include the Extension Area in accordance with the boundaries and descriptions set forth in the previously described Public Hearing Order, and fire protection services shall be provided therein; and be it further

**RESOLVED**, that the Fire District shall be extended into the Extension Area of the FPD concurrently with the alteration of the boundary of the FPD effective 11:59 p.m., June 30, 2021; and be it further

**RESOLVED**, that any prior mistaken references to the “North Creek Fire Protection District” shall be corrected to the proper “Johnsburg Fire Protection District”; and be it further

**RESOLVED**, that the portion of this Resolution which approves and authorizes alteration of the FPD boundary to exclude the Extension Area is subject to permissive referendum pursuant to Town Law Sections 91 and 172-c and shall not take effect until such time as provided. The Town Clerk is hereby authorized and directed to post and publish the notice required for Resolutions subject to permissive referendum and to do all other acts and things required in connection therewith; and be it further

**RESOLVED**, that the portion of this Resolution which approves and authorizes the Fire District extension is not subject to approval by the State Comptroller as based on information provided by the Town Assessor, state owned land subject to taxation constitutes less than 30% of the Town’s total taxable assessed value; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized and directed to cause a certified copy of this Resolution to be duly recorded in the office of the Clerk of Warren County and, within 10 days after its adoption, cause a certified copy of this Resolution to be filed with the State Department of Audit and Control at Albany, New York, all pursuant to Town Law 173(1); and be it further

**RESOLVED**, that alteration of the FPD boundary to exclude the Extension Area and extension of the Fire District to include the Extension Area are subject to the following:

1. Permissive referendum in the manner provided in New York State Town Law Article 7; and
2. Adoption of a Final Order by the Johnsburg Town Board;

and be it further

**RESOLVED**, that the Town Supervisor is hereby authorized and directed to execute and deliver such other agreements, instruments and other writings, and to take such further actions as they, in their sole discretion, deems necessary or desirable to carry out the intent of this Resolution; and be it further

**RESOLVED**, that this Resolution shall take effect immediately except as limited by provisions relating to permissive referendum and effective date.

Duly adopted this 6<sup>th</sup> day of April, 2021, by the following vote:

AYES :

NOES :

ABSENT:

\\MRDS\company\Clients\NORTH CREEK FIRE DISTRICT\2020 FPD ALT & FD EXTEND\AMENDED&RESTATED APPRV RES  
4-6-21.docx