

# **TOWN OF ONEONTA FIRE DISTRICT**

## **RESOLUTION TO APPROVE FORMATION OF THE ONEONTA TOWN FIRE DEPARTMENT, INC. PURSUANT TO NOT-FOR-PROFIT CORPORATION LAW §404(f)**

*At a Regular Meeting of the Board of Fire Commissioners of the Town of Oneonta Fire District held at 6:00 PM on the 14th day of February, 2017 at the Elm Park Methodist Church, 401 Chestnut St. Oneonta NY,*

**WHEREAS**, the Board of Fire Commissioners of the Town of Oneonta Fire District is charged with the responsibility of providing fire protection to the residents, businesses, and property owners of the Fire District, and

**WHEREAS**, pursuant to Not-for-Profit Corporation Law § 404(f), the Board of Fire Commissioners of the Town of Oneonta Fire District is required to provide its consent to the formation of any fire company formed within the Fire District intended to protect the Fire District and such consent may only be given after a public hearing on the question of whether a such a fire company should be formed and incorporated, and

**WHEREAS**, the name of the proposed fire corporation is the *Oneonta Town Fire Department, Inc.*; the names of the persons signing the Certificate of Incorporation are Ronald Peters, Fernando Volpe, and Johna Peachin, and the territory the proposed fire corporation intends to protect is the entirety of the Town of Oneonta Fire District.

**NOW, THEREFORE BE IT RESOLVED**, that pursuant to New York State Not-for-Profit Law § 404(f), the Board of Fire Commissioners of the Town of Oneonta Fire District does hereby schedule a public hearing to consider whether such fire corporation should be incorporated, and

**BE IT FURTHER RESOLVED**, that a public hearing pursuant to Not-for-Profit Law § 404(f) will be conducted on March 14, 2017 at Elm Park Methodist Church, 401 Chestnut St. Oneonta NY, at 6:00 PM subject to the notice requirements specified by aforesaid statute, prior to the issuance of the Fire District Board of Fire Commissioners' approval or endorsement for such corporate formation and incorporation, and

**BE IT FURTHER RESOLVED**, that the Board of Fire Commissioners of the Town of Oneonta Fire District hereby authorizes the Secretary of the Fire District to publish a Notice of Public Hearing in the official newspaper of the Fire District published in Otsego County to be published on at least one occasion for two consecutive weeks prior to the March 14, 2017 public hearing, and

**BE IT FURTHER RESOLVED**, that the Notice of Public Hearing published by the Secretary shall be substantially as follows:

Board of Fire Commissioners of the Town of Oneonta Fire District.  
**PLEASE TAKE NOTICE** that a public hearing pursuant to Not-for-Profit Law § 404(f) will be conducted on March 14, 2017 at **Elm Park Methodist Church, 401 Chestnut St. Oneonta NY**, at **6:00 PM** to hear all persons interested in the question as to whether the Fire District Board of Fire Commissioners should approve or endorse the formation and incorporation of a special fire corporation to serve the Fire District. The name of the proposed fire corporation is the Oneonta Town Fire Department, Inc., the names of the persons signing the Certificate of Incorporation are Ronald Peters, Fernando Volpe, and Johna Peachin, the territory the proposed special fire corporation intends to protect is the entirety of the Town of Oneonta Fire District.

and

**BE IT FURTHER RESOLVED**, that the Regular Meeting of the Board of Fire Commissioners of the Town of Oneonta Fire District designated by the Board Chairman to consider this matter will be conducted on Tuesday March 14, 2017 at Elm Park Methodist Church, 401 Chestnut St. Oneonta NY, at 6:00 PM.

Motion to approve the Resolution made by Commissioner Johna Peachin

Seconded by Commissioner Fernando Volpe

	AYE	NAY	ABSTAIN
Commissioner Michael Butler	X		
Commissioner Donald Lamanna	X		
Commissioner Johna Peachin	X		
Commissioner Fernando Volpe	X		
Commissioner Eugene Molinari	X		

**The Resolution passed.**

Dated: February 14, 2017

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ERICA LABUZ, Secretary  
Town of Oneonta Fire District  
PO Box 264  
Oneonta New York 13820