

# **Bond Case Briefs**

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## **FIRE PROTECTION DISTRICTS - NEW YORK**

### **Waite v. Town of Champion**

**Court of Appeals of New York - June 27, 2018 - N.E.3d - 2018 WL 3129334 - 2018 N.Y. Slip Op. 04688**

Town residents brought article 78 proceeding against town, alleging that town failed to accomplish and complete the dissolution of the town fire protection district as required by the General Municipal Law.

The Supreme Court, Jefferson County, dismissed the petition, and residents appealed. The Supreme Court, Appellate Division, affirmed. Residents appealed.

The Court of Appeals held that town complied with General Municipal Law when it created two legally distinct fire protection districts (FPD) to deliver fire protection services formerly provided by town FPD.

Town complied with its obligations under General Municipal Law when it created two legally distinct fire protection districts (FPD) to deliver fire protection services formerly provided by town FPD in response to passage of referendum to dissolve town FPD; although town residents claimed that town undermined will of voters by retaining control over provision of fire protection services in new districts, upon receipt of petition calling for dissolution proceeding, town held referendum, and upon passage of referendum, town proposed dissolution plan that was voted on and approved, town fire protection district was dissolved, town created two new separate districts that were coterminous with town district but functionally distinguishable, and town contracted with fire departments of separate villages to provide fire protection services within geographic boundaries of each new district.