
SHERMAN FIRE DEPARTMENT

Stanley Hose Company

Fire Departments

NYS 1,800+

Fire Departments

NYS 1,800+

(may have one or more)

Fire Companies

***Incorporated as
Not-for-Profit
Corporations**

***Not all fire companies are incorporated.**

SHC was first incorporated in 1946 as a Membership Corporation.

County
City
Village
Town
Fire District

Political Subdivisions

|
Fire

NYS 1,800+

Departments

|
Fire Companies

***Incorporated as
Not-for-Profit
Corporations**

***Not all fire companies are incorporated.**

SHC was first incorporated in 1946 as a Membership Corporation.

Political Subdivisions

**Publicly
Elected
Board**

County
City
Village
Town
Fire District

**Government
Entity**

County
City
Village
Town
Fire District

Political Subdivisions

|
Fire

NYS 1,800+

Departments

DEFINITIONS

Political Subdivisions

County
City
Village
Town

Fire District

Special
Purpose
Unit

Fire

Departments

Fire Companies

Fire
Protection
District

NYS 1,800+

***Incorporated as
Not-for-Profit
Corporations**

***Not all fire companies are incorporated, SHC is incorporated, since 1946.**

DEFINITIONS

Fire District - A political subdivision, with a publicly elected board of commissioners; quasi government entity that reports to NYS directly and taxes directly; similar to a municipality. Within the Fire District is the “Fire Department” and may have “Fire Company(s)”.

Fire Department - A department within a local government (political subdivision of NYS); an operational department within a county, city, village, town, or fire district providing an essential public service.

Fire Company - A membership body representative of the active firefighters of the Fire Department, often incorporated as Not-for-Profit Corporation for the specific purpose of serving the needs of its members and the Fire Department of which it is a part in providing an essential public service.

Fire Protection District - A specified geographic area served by a Fire Department, particularly within a Town.

DEFINITIONS

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Fire Protection District - A specified geographic area served by a Fire Department, particularly within a Town.



Village of Sherman



Sherman Fire Department



Stanley Hose Company

***Not-for-Profit Corporation (501c3). SHC first incorporated in 1946 as a Membership Corporation.**

County
City
Village
Town
Fire District

Political Subdivision

NY State Laws apply to all
Fire Departments & Fire Companies

The **structure** may vary by paid or **volunteer** and
the **procedures** can vary by **political subdivision**.

NEW YORK STATE LAW

EXC - Executive Law

State Comptroller (NYSOSC / NYCPTR)

Attorney General (NY AG)

Firefighting Training

Training for Fire Chiefs

GMU - General Municipal Law (GML)

Article 10 Firefighters

LAB - Labor Law

MHR - Municipal Home Rule

NPC - Not-For-Profit Corporation

PBO - Public Officers Law

FOIL - Freedom of Information Law

OML - Open Meetings Law

Committee on Open Government

RSS - Retirement and Social Security Law

VIL - Village Law

VOL - Volunteer Firefighters' Benefit Law (VFBL)

WKC - Workers' Compensation Law

<https://www.nysenate.gov/legislation/laws/CONSOLIDATED>



NEW YORK STATE LAW

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Attorney General (NY AG)

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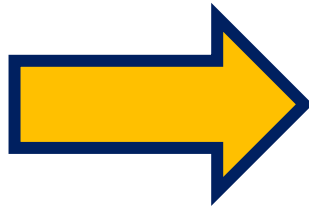
<https://www.nysenate.gov/legislation/laws/CONSOLIDATED>

Retirement & Social Security Law

Article 8, Title 2. No Title. § 302 Definitions

11.) “Police or fire service.”

d.) Service as an officer or member of an
organized fire department of any
county, city, town, village, or fire district



NEW YORK STATE LAW

EXC - Executive Law

State Comptroller (NYSOSC / NYCPTR)

Attorney General (NY AG)

Firefighting Training

Training for Fire Chiefs

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<https://www.nysenate.gov/legislation/laws/CONSOLIDATED>

SECTION 100

Insurance against liability to volunteer firefighters and ambulance workers

Workers' Compensation (WKC) CHAPTER 67, ARTICLE 6

§ 100. Insurance against liability to **volunteer firefighters and ambulance workers**. Insurance contracts issued by the state insurance fund to insure political subdivisions against liability in relation to volunteer firefighters or volunteer ambulance workers under the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law shall be designated "volunteer firefighters' benefit insurance" or "volunteer ambulance workers' benefit insurance". The provisions of this article which are not inconsistent with such laws shall be applicable in relation to such insurance. The following terms used in this article, unless inconsistent with the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law, are hereby enlarged as follows:

1. **"Employer"** includes any **political subdivision liable for benefits pursuant to the volunteer firefighters' benefit law** or the volunteer ambulance workers' benefit law.
2. **"Employee"** includes a volunteer firefighter or volunteer ambulance worker who has been or might be injured in line of duty or who dies or might die from such an injury. When a political subdivision or a district or area thereof is responsible for the payment of benefits pursuant to the volunteer firefighters' benefit law or the volunteer ambulance workers' benefit law, **it shall be deemed the "employer" of such "employee."**

SECTION 100

Insurance against liability to volunteer firefighters and ambulance workers

Workers' Compensation (WKC) CHAPTER 67, ARTICLE 6

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1. "Employer"
benefit law or

2. "Employee"
injured in line
area thereof is
the volunteer a

The relationship is legally defined:

...it shall be deemed the "employer" of such "employee."

Volunteers = 'non-paid employees'

ghters'

might be
or a district or
benefit law or
oyee."

NEW YORK STATE LAW

EXC - Executive Law

State Comptroller (NYSOSC / NYCPTR)

Attorney General (NY AG)

Firefighting Training

Training for Fire Chiefs

GMU - General Municipal Law (GML)

Article 10 Firefighters

<https://www.nysenate.gov/legislation/laws/CONSOLIDATED>

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Committee on Open Government

RSS - Retirement and Social Security Law

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VOL - Volunteer Firefighters' Benefit Law (VFBL)

WKC - Workers' Compensation Law

ARTICLE 10

Firefighters and Police Officers

General Municipal (GMU) CHAPTER 24

 NEW YORK STATE
GENERAL MUNICIPAL LAW

SECTION 200

Defining qualifications of exempt volunteer firefighters

SECTION 200-A

Volunteer firefighters serving in more than one fire company or fire department

ARTICLE 10

NEW YORK STATE GENERAL MUNICIPAL LAW

Firefighters and Police Officers

General Municipal (GMU) CHAPTER 24

SECTION 204-A	<u>Raising of funds</u> for <u>fire company</u> purposes
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SECTION 204-B	Youth programs
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SECTION 204-D	Duties of the fire chief
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SECTION 204-DD	Qualifications of a fire chief
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NEW YORK STATE
GENERAL MUNICIPAL LAW

§ 204-a. Raising of funds for fire company purposes.

1. Definitions.

As used in this section:

a. **"Fire company"** means:

(1) **A volunteer fire company of a** county, city, town, **village** or fire district **fire department**, whether or not any such company has been incorporated under any general or special law,

(2) A **fire corporation** the members of which are **volunteer firefighters** and was **incorporated**,

NEW YORK STATE LAW

EXC - Executive Law

State Comptroller (NYSOSC / NYCPTR)

Attorney General (NY AG)

Firefighting Training

Training for Fire Chiefs

GMU - General Municipal Law (GML)

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WKC - Workers' Compensation Law

<https://www.nysenate.gov/legislation/laws/CONSOLIDATED>

NEW YORK STATE LAW

CNT – County Law

EDN – Education Law (EDU)

GCT – General City Law

TWN – Town Law

VIL - Village Law

How NY STATE Governs:
“Powers of incorporated village”

ARTICLE 10

Fire Department

Village (VIL) CHAPTER 64

NEW YORK STATE VILLAGE LAW

SECTION 10-1000



General powers of the board of fire commissioners

SECTION 10-1002

Rules and regulations

SECTION 10-1004



Organization of companies

SECTION 10-1006



Volunteer members of village fire companies

ARTICLE 10

Fire Department

Village (VIL) CHAPTER 64

NEW YORK STATE VILLAGE LAW

SECTION 10-1010 Election of company officers and delegates

SECTION 10-1012  Chief and assistant chiefs

SECTION 10-1014  Council of fire department

SECTION 10-1016 Annual meeting of fire department

SECTION 10-1018  Duties of chief and assistants

SECTION 10-1004
Organization of companies

NEW YORK STATE
VILLAGE LAW

Village (VIL) CHAPTER 64, ARTICLE 10

§ 10-1004 Organization of companies. The board of fire commissioners, with the approval of the board of trustees, may organize and maintain fire, hose, protective and hook and ladder companies, whenever in its judgment the public interests require. The board of fire commissioners may, by resolution, with the approval of the board of trustees, consent to the incorporation of any of the companies so organized by them, or may, by like approval, consent to the incorporation or the organization without incorporation of as many companies voluntarily organized in said village as may be deemed necessary.

FIRE COMPANY DEFINED

GENERAL MUNICIPAL LAW

General Municipal Law Art 10 § 204-a Definitions. a. "Fire company" means:

- (1) A volunteer fire company of a county, city, town, village or fire district fire department, whether or not any such company has been incorporated under any general or special law,
 - (2) A fire corporation the members of which are volunteer firefighters and was incorporated, and which is not included within subparagraph (1) of this paragraph, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district.
-

FIRE COMPANY DEFINED

VOLUNTEER FIREFIGHTERS' BENEFIT LAW

Volunteer Firefighters' Benefit Law Art 1 § 3. Definitions. 2. "Fire company" means:

- a. A fire company of a county, city, town, village or fire district fire department, whether or not any such company has been incorporated under any general or special law,
 - b. A fire corporation incorporated under or subject to the provisions of article ten of the membership corporations law, which is not included within paragraph a above, if such corporation is by law under the general control of, or recognized as a fire corporation by, the governing board of a city, town, village or fire district.
-

FIRE COMPANY DEFINED

(NYS) VILLAGE LAW, Article 10 Fire Department

Village Law Art 10 § 1004 Organization of companies. The ~~board of fire commissioners~~, with the approval of the board of trustees, may organize and maintain fire, hose, protective and hook and ladder companies, whenever in its judgment the public interests require.

NOT-FOR-PROFIT CORPORATION LAW § 1402



Not-for-Profit Corporation Law § 1402 Fire Corporations (e) Powers. (1) A fire, hose, protective or hook and ladder corporation heretofore incorporated under any general law or a fire corporation hereafter incorporated under this section shall be under the control of the city, village, fire district or town authorities having, by law, control over the prevention or extinguishment of fires therein. **Such authorities may adopt rules and regulations for the government and control of such corporations.**

NEW YORK STATE LAW

EXC - Executive Law

State Comptroller (NYSOSC / NYCPTR)

Attorney General (NY AG)

Firefighting Training

Training for Fire Chiefs

GMU - General Municipal Law (GML)

Article 10 Firefighters

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Not-for-Profit Corporation

ARTICLE 14

★ Special Not-for-profit Corporations

SECTION 1402

Fire corporations

The Stanley Hose Company, Inc.

Not-for-Profit Corporations § 1402 Fire Co.

Purpose of a Fire Company:

(a) **Certificate of incorporation**; additional contents.

In addition to the requirements of section 402 (Certificate of incorporation; contents), the certificate of incorporation of a fire corporation shall state the precise boundaries of the territory in which the corporation intends to operate.

(Village of Sherman)

(b) **Type of corporation.**

A fire corporation is a charitable corporation under this chapter.

(c) **Appointment of firefighters.**

Not-for-Profit Corporations § 1402 Fire Co.

(e) Powers.

(1) A fire, hose, protective or hook and ladder corporation heretofore incorporated under any general law or a fire corporation hereafter incorporated under this section shall be under the control of the city, village, fire district or town **authorities having, by law, control over the prevention or extinguishment of fires** therein. Such authorities may adopt rules and regulations for the government and control of such corporations.

 Village Volunteer **Fire Department has the responsibility** of the prevention and extinguishment of fires.

- **Fire Company provides the support** for these efforts.

Not-for-Profit Corporations § 1402 Fire Co.

(3) The emergency relief squad of a fire corporation incorporated under this section or subject to the provisions thereof shall have power to furnish general ambulance service when duly authorized under the provisions of section two hundred nine-b of the general municipal law. (*volunteer ambulance workers incl. w/ firefighters*)

(4) Any fire company incorporated under this section or subject to the provisions thereof shall have power to engage in **fund raising** activities **pursuant to** section two hundred four-a of the **general municipal law**.

(5) Any fire company incorporated under this section or subject to the provisions thereof shall have power, subject to the approval or authorization of the board of trustees to attend a funeral.

Not-for-Profit Corporations § 1402 Fire Co.

(6) ...fire corporations hereafter incorporated under this section or volunteer fire companies or fire departments as defined in **section three of the volunteer firefighters' benefits law** are hereby authorized to enter into contracts among themselves and among municipal corporations for the joint purchase of goods, supplies and services.. For the purposes of this subparagraph the term "municipal corporation" shall mean a county, city, town, village, fire district, or ambulance district.

VFBL §3

(2) "Fire company" means:

a. A **fire company** of a county, city, town, village or fire district **fire department**.

Not-for-Profit Corporations § 1402 Fire Co.

Membership - Requires Confirmation. Two-step process:

- 1.) First elected by the fire company,
- 2.) Then confirmed by the jurisdictional governing body.

NPC § 1402 outlines the dual confirmation of firefighters within a town, otherwise the NPC law refers to the laws of the governing political subdivision (village). 

VIL §10-1006 Membership of any person so elected shall become effective when approved by resolution of the board of trustees. The status a volunteer firefighter as of the date of such appointment or nomination is thereby "legalized, validated and confirmed". An election to membership in a fire company shall be deemed equivalent to a nomination for membership for the purposes of this subdivision.

VILLAGE OF SHERMAN
MINUTES OF THE
***Brief* SPECIAL BOARD MEETING**
Wednesday, July 22, 2026, at 5:30am *MORNING*

Mayor Meeder called the meeting to order at 5:30am, and led everyone in the pledge of allegiance.

Attendance: Mayor Colleen Meeder, Trustees Danielle Crane, Gary Emory, Ryan Sanders, & Dennis Watson

Members of Stanley Hose Company in Attendance: Bob Crane, Jim Croscut

Members of the Public in Attendance: Greg Rater, Terry Tallman

Mayor Meeder said the primary reason for the urgency in calling the Special Board Meeting is to complete the critical two-step election and ratification of members securing the benefits in accordance with the Volunteer Firefighters Benefit Law in the event a volunteer is injured, ill, or killed in the line of duty. General Municipal Law §200 defines the qualifications of exempt volunteer firefighters. The election to membership of the fire department and fire company begins with the Fire Company's process for the vetting, nomination, and election of its members in accordance with Village Law §10 Fire Departments (incl. Fire Companies), Not-for-Profit Corporation Law §1402 Fire Companies, and the Bylaws of the Fire Company. The membership of any person so elected (to membership) shall become effective when approved by resolution of the board of trustees, (NYS) Village Law §10-1006.

RES 2026-07-22.1: VOLUNTEER FIREFIGHTER MEMBER CONFIRMATION

At a Meeting of the Village of Sherman, Chautauqua County, New York, held at the Village Hall, in Sherman, New York, on the 22nd day of July, 2026, at 5:30a.m., the following resolution was offered by Trustee Emory who moved its adoption, seconded by Trustee Crane to-wit:

RESOLUTION OF THE VILLAGE BOARD, VILLAGE OF SHERMAN, CHAUTAUQUA COUNTY, NEW YORK, accepting the active roster of The Stanley Hose Company, Inc., for consideration of approval by the Trustees of the Village of Sherman, for the purposes of serving the Village of Sherman and greater community through contractual and mutual aid agreements as volunteer firefighters of the Sherman Fire Department.

WHEREAS, IN ACCORDANCE WITH VILLAGE LAW §10-1006, NOT-FOR-PROFIT CORPORATION LAW §1402 FIRE CORPORATIONS, AND VOLUNTEER FIREFIGHTERS' BENEFIT LAW; AND

WHEREAS, THE STANLEY HOSE COMPANY, INC. HAS DETERMINED EACH PERSON SHALL BE ELIGIBLE TO BE ELECTED OR APPOINTED AS A VOLUNTEER MEMBER OF SUCH FIRE COMPANY HAVING COMPLETED BEFO OR EMT CLASS AND EACH IS EVOC CERTIFIED; AND

WHEREAS, EACH PERSON IS 18 YEARS OR OLDER; AND

WHEREAS, EACH PERSON IS NOT A MEMBER OF ANOTHER FIRE COMPANY; AND

WHEREAS, EACH PERSON RESIDES WITHIN THE STATE OF NEW YORK; AND

WHEREAS, EACH PERSON RESIDES WITHIN THE VILLAGE OF SHERMAN OR TOWN OUTSIDE THE VILLAGE TO WHICH THE SHERMAN FIRE DEPARTMENT AND THE STANLEY HOSE COMPANY ARE UNDER CONTRACT; AND

WHEREAS, THE FIRE CHIEF HAS PERFORMED BACKGROUND CHECKS ON EACH APPLICANT FOR CRIMINAL HISTORY, CONVICTION OF A CRIME REQUIRING THE PERSON TO REGISTER AS A SEX OFFENDER, AND VERIFIED NO PERSON HAS BEEN CONVICTED OF ARSON.

NOW, THEREFORE, THE VILLAGE OF SHERMAN BOARD OF TRUSTEES HEREBY ACCEPTS, APPROVES, AND CONFIRMS THE HEREIN LISTED ACTIVE VOLUNTEER FIREFIGHTERS FOR MEMBERSHIP OR THE CONTINUANCE OF MEMBERSHIP TO THE SHERMAN FIRE DEPARTMENT, MEMBERS OF THE STANLEY HOSE COMPANY, INC., AS FOLLOWS:

LISTED NAMES

THE STATUS OF SUCH PERSON AS A VOLUNTEER FIREFIGHTER AS OF THIS DATE IS HEREBY LEGALIZED, VALIDATED, AND CONFIRMED.

RES 2026-07-22.2: FIRE CHIEF

Motion to accept, approve, and ratify the election of Matt Oehlbeck as Fire Chief of the Sherman Fire Department, for the Village of Sherman, and in accordance with VIL §10-1018 is to serve as President of the Council and of the meetings of the fire department, having exclusive control of the members at all fires, inspections and reviews, the supervision of the engines, hose and other apparatus under the control of the Village of Sherman and The Stanley Hose Company, Inc. for the prevention of or extinguishment of fires and of all officers thereof elected by the council. He shall, whenever required by the board of trustees, report to the board the condition of the property used in support of the department and such other information with respect to the department as may be required. He shall hold the members and officers of the department strictly to account for neglect of duty. The Fire Chief shall cause the applicant's background to be checked pursuant to Executive Law §837-O, Not-for-Profit Corporations Law §1402 Fire Corporations, and Village Law §10-1006.

The election and appointment of the Fire Chief is for the period of January 1, 2026 thru December 31, 2026, effective immediately upon taking the Oath of Office within 30 days of ratification.

RES 2026-07-22.3: DUTIES OF THE FIRST ASSISTANT CHIEF

Motion to accept in accordance with VIL §10-1018, that in case of the inability or absence of the chief, the first assistant and in case of the absence or inability of both the chief and first assistant, the second assistant, and in the absence of the second assistant, the third assistant, if any, and in the absence of the third assistant, if any, the fourth assistant, if any, shall perform the duties and have all the powers of the chief.

\$\$ Fundraising

NPC §1402 Fire Corporations (e) Powers.

(4) ***Any fire company incorporated under this section*** or subject to the provisions thereof shall have power to engage in fund raising activities **pursuant to section two hundred four-a of the general municipal law.**

VFBL §3 Definitions.

15. "Fund raising activity" means a method of raising funds to effectuate the lawful purposes of a fire company, but shall not include any method prohibited by the state constitution or the penal statutes of this state,... Such term "fund raising activity" shall not include drills, parades, inspections, reviews, competitive tournaments, contests or public exhibitions, described in paragraphs e and i of subdivision one of section five of this chapter, even though prizes are awarded at such events.

Such fund raising activity must comply with all the requirements of section two hundred four-a of the general municipal law.

\$\$ Fundraising

GML §204.a

a. "Fire company" means:

(1) A **volunteer fire company** of a county, city, town, village or fire district fire department.

GML §204.a(8)(a)

(a) **Before engaging in a fund raising activity** the fire company shall cause the governing board of the political subdivision to be **notified in writing** that it proposes to conduct such activity...

RES 2026-08-12.3 AMEND RES 2026-07-22.5 SHC ANNUAL FUNDRAISING

Motion to amend the previous motion RES 2026-07-22.5 approving the SHC Annual Fundraising activities to read as follows:

SHC ANNUAL FUNDRAISING (NFC §1402-e(4), GML §204-a(8)(a), VFBL §3(15))

WHEREAS, Not-For-Profit Corporation Law Section 1402 Fire Corporations subsection (e) Powers, paragraph (4) states: “Any fire company under this section or subject to the provision thereof shall have power to engage in fund raising activities pursuant to section two hundred four-a of the general municipal law; and

WHEREAS, General Municipal Law Section 204-a Raising Funds for Fire Company Purposes subsection (8) Fund Raising Activities paragraph (a) states: “Before engaging in a fund raising activity the fire company shall cause the governing board of the political subdivision to be notified in writing that it proposes to conduct such activity. Any such notice shall contain a general description of the method which will be used to raise funds and shall specify the time or times when, the place or places where, and the period or periods during which the activity will be conducted and shall set forth the names of the firefighters who will serve on each of the committees or subcommittees in connection with the activity. Any such notice shall be filed with the clerk of such board.”; and

WHEREAS, fundraising activities are covered pursuant to Volunteer Firefighters Benefits Law Section 5 Coverage subsection (m) regarding fund raising activities making reference to “Fund raising activity” as defined in Section 3 Definitions subsection (15) stating: “a method of raising funds to effectuate the lawful purposes of a fire corporation... Such fund raising activity must comply with all requirements of section two hundred four-a of the general municipal law.”; and

WHEREAS, Stanley Hose Company provided notification of three annual fundraisers received by the Village Clerk on July 16th, 2026.

NOW, THEREFORE, the Village Board of Trustees herein accepts the notification of the Annual Fundraising Activities and Events organized and held by The Stanley Hose Company, Inc., wherein the Village Board of Trustees has no objection.

Notification was filed with the Village Clerk on July 16, 2026; had the Village Board of Trustees not taken any action within 30 days, it would be deemed approved. GML §204-a(8)(a)

Moved by Trustee Emory Seconded by Trustee Crane

Ayes: 4 Nays: 0 Carried

NEW YORK STATE LAW

EXC - Executive Law

State Comptroller (NYSOSC / NYCPTR)

Attorney General (NY AG)

Firefighting Training

Training for Fire Chiefs

GMU - General Municipal Law (GML)

Article 10 Firefighters

[https://www.nysenate.gov/legislation/
laws/CONSOLIDATED](https://www.nysenate.gov/legislation/laws/CONSOLIDATED)

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MHR - Municipal Home Rule

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PBO - Public Officers Law

FOIL - Freedom of Information Law

OML - Open Meetings Law

Committee on Open Government

RSS - Retirement and Social Security Law

VIL - Village Law

VOL - Volunteer Firefighters' Benefit Law (VFBL)

WKC - Workers' Compensation Law

GENERAL MUNICIPAL LAW, Article 10 Firefighters

Fire Company -

Code of Ethics -

General Municipal Law Art 10 § 209-ee

General Municipal Law Art 10 § 209-ee(3)(a) For the purpose of this section the term fire company shall have the same meaning as defined in section three of the volunteer firefighters' benefit law.

General Municipal Law Art 10 § 209-ee(2) Any elected and/or appointed officer of a volunteer fire company responsible for governance, including but not limited to a line officer, treasurer, president, vice president and secretary...

General Municipal Law Art 10 § 209-ee(1) Notwithstanding any provision of general, special or local law to the contrary, every fire company that contracts with or is under the control of a county, city, town, village or fire district to provide fire protection or other emergency service, shall adopt a code of ethics. Such code shall set forth the standards of conduct reasonably expected.

PUBLIC OFFICERS LAW

Public Officers Law Art 1 § 2. Definitions. The term "local officer" includes every other officer who is elected by the electors of a portion only of the state, every officer of a political subdivision or municipal corporation of the state, and every officer limited in the execution of his official functions to a portion only of the state.

Public Officers Law Art 6 § 86. Definitions. 3. "Agency" means any state or municipal department, board, bureau, division, commission, committee, public authority, public corporation, council, office or other governmental entity performing a governmental ~~or proprietary~~ function for the state or any one or more municipalities thereof, except the judiciary or the state legislature.

Public Officers Law Art 7 § 102. Definitions. 2. "Public body" means any entity, for which a quorum is required in order to conduct public business and which consists of two or more members, performing a governmental function for the state or for an agency or department thereof...

OATH OF OFFICE

Officers take the Oath of Office stating their commitment to follow the US Constitution, the Constitution of New York State while serving in the role of xxxxx within the Village of Sherman 'to the best of our ability'.

Affirming that commitment to every constituent, regulatory agency, municipal government and professional entity we work with, for the purpose of **providing essential public services** for the good of the community.

OPEN MEETINGS LAW (OML) FREEDOM OF INFORMATION LAW (FOIL)

The Committee on Open Government

Opinions 12/22/2004 OML-AO-3904 and 1/7/2014 FOIL-AO-19099 & OML-AO-5387

The not-for-profit Fire Company is a “public body”, “formed by consent of the municipality”, “conducting public business and perform a governmental function”, whose “existence is inextricably linked to, dependent on, and under the control of the municipality for which they provide an essential public service”.

The Fire Company is an “agency” of the municipality, under the “‘Council’ of the Fire Department”.

Component Unit of the municipality

Fire Company of a Political Subdivision

GML 204.a "**Governing board of the political subdivision**" means the governing board of the county, city, town, **village**, or fire district where the fire company is under the general control of, or recognized as a fire corporation, by such governing board.

General control, **not direct administrative control.**
...**not direct administrative control.**

Fire Company of a Political Subdivision

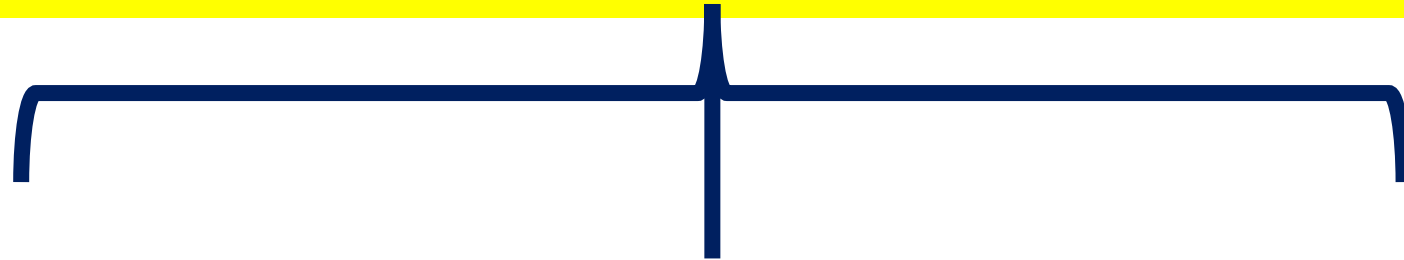
**Fire Company – separate entity
(not an independent entity)**

“inextricably linked”

County, City, Village, Town, Fire District

Governing Political Subdivisions

Board of Fire Commissioners



Fire Departments

NYS
1,800+

Fire Companies

County, City, **Village**, Town, Fire District

Governing Political Subdivisions

~~Board of Fire Commissioners~~

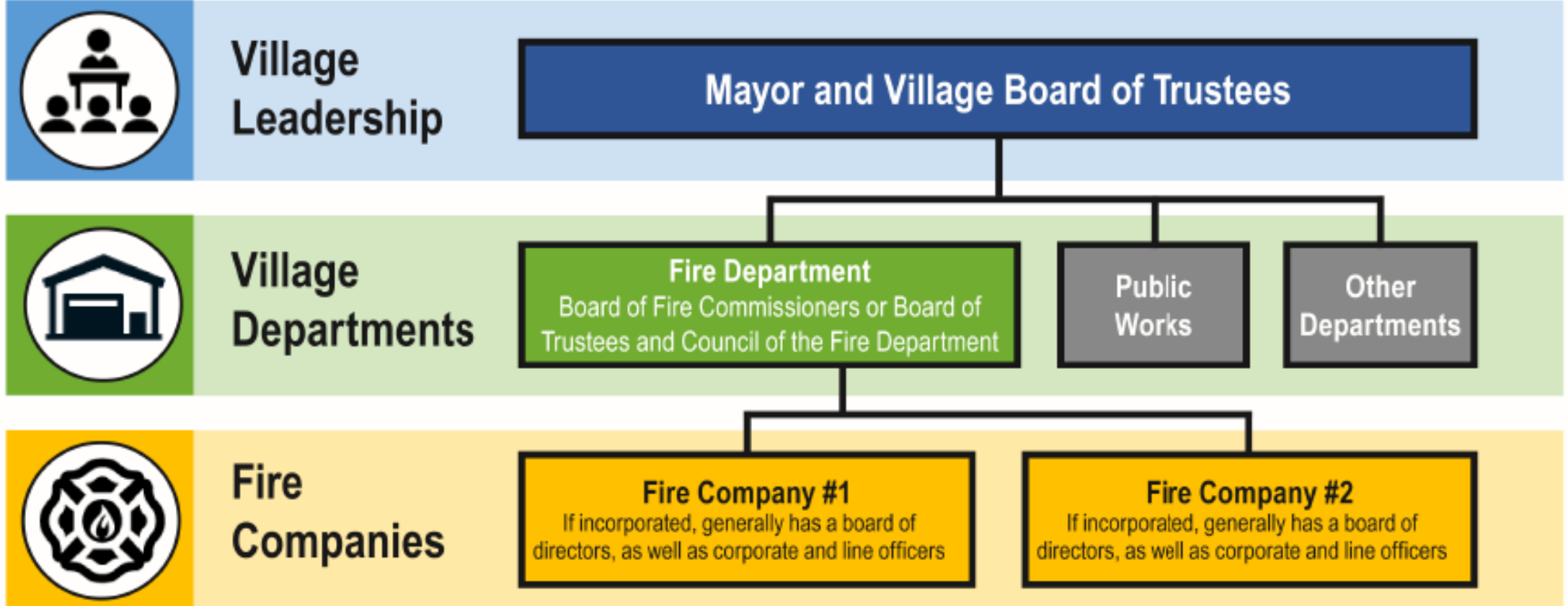
Council of the Fire Department

|
Fire Departments

NYS
1,800+

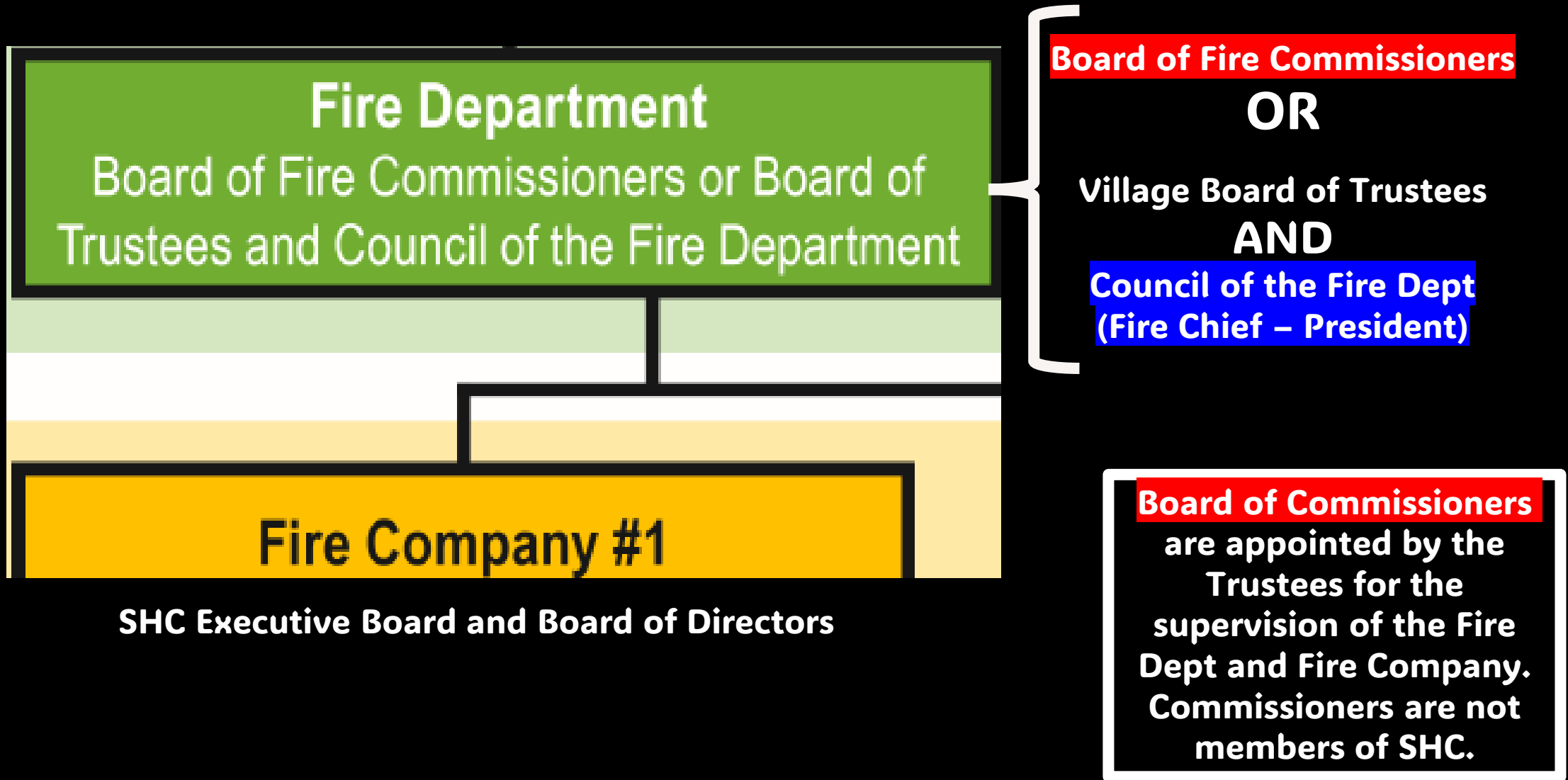
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Fire Companies

Village Fire Department

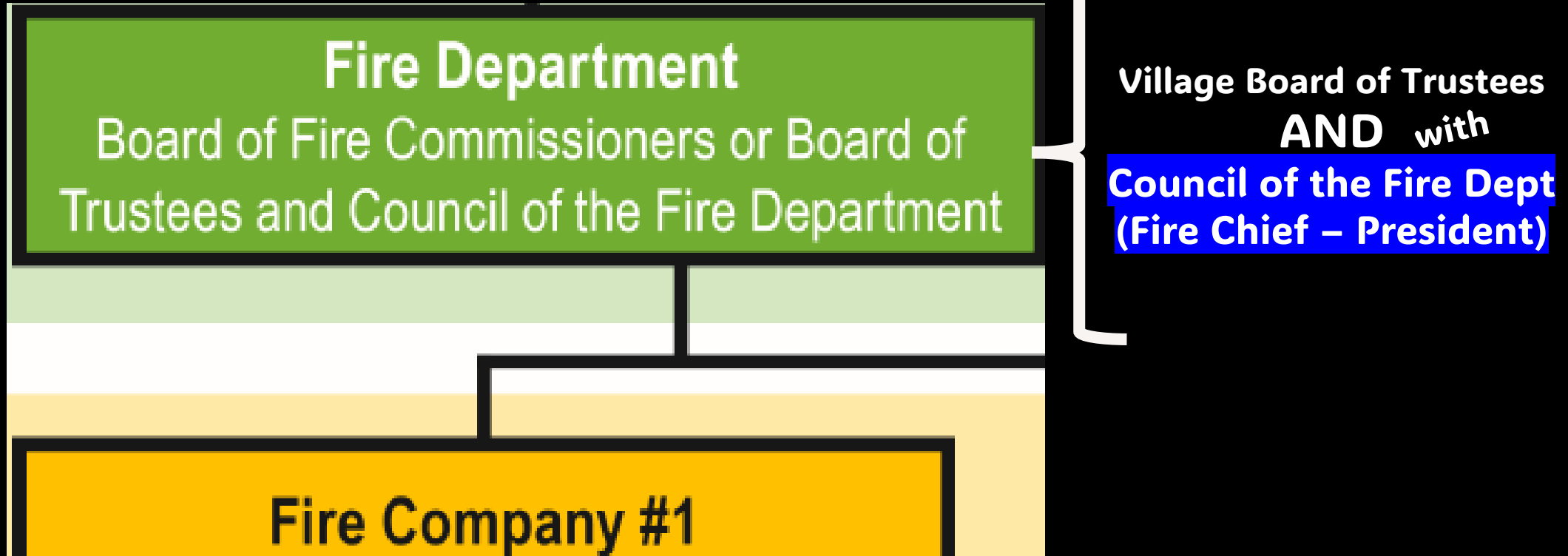


Source: OSC and Article 10 of the Village Law.

OSC = Office of the State Comptroller



Preferred Structure



SHC Executive Board and Board of Directors

Preferred Structure

Fire Department

Board of Fire Commissioners or Board of Trustees and Council of the Fire Department

Village Board of Trustees

AND

Council of the Fire Dept
(Fire Chief – President)

SECTION 10-1014

Council of fire department

Village (VIL) CHAPTER 64, ARTICLE 10

§ 10-1014 Council of fire department.
In a village in which separate fire commissioners are not appointed, the chief, the assistant, and the wardens of the several companies constitute the council of the fire department.

The Council of the Fire Dept is made up of
ALL MEMBERS of the Fire Dept & Fire Company.

Fire Company

Fire Department

Board of Fire Commissioners or Board of Trustees and Council of the Fire Department

Village Board of Trustees
AND

**Council of the Fire Dept
(Fire Chief – President)**

Fire Company #1

SHC Executive Board and Board of Directors

**...Stanley Hose Co.
directly administers
the assets for the
fire department.
(Human & Capital)**

1.) Q's raised by
NY State's
Comptroller's
Office in 2018

2.) Municipal
leaders have pointed
out the lack of
structural controls.



WHY
NOW

3.) Insurance Risk
Assessment



4.) NYCOM
NY Conference of
Mayors

North Lake Fire District Contract:

WHEREAS, the Village has and maintains a fire department which is capable of providing outside fire protection to Fire District and has within its fire department The Stanley Hose Company, Inc ("Fire Company");



North Lake Fire District Contract:

WHEREAS, the Village has and
maintains a fire department which is
capable

**VILLAGE
RESPONSIBILITY**

North Lake Fire District Contract:

WHEREAS, the Village

is
providing outside fire
protection



**VILLAGE
RESPONSIBILITY**

North Lake Fire District Contract:

WHEREAS, the Village has

within its fire department The Stanley
Hose Company, Inc ("Fire Company");

**VILLAGE
RESPONSIBILITY**

North Lake Fire District Contract:

WHEREAS, the Village has and maintains a fire department which is capable of providing outside fire protection to Fire District and has within its fire department The Stanley Hose Company, Inc ("Fire Company");

**VILLAGE
RESPONSIBILITY**

1.) It's the LAW
NY STATE LAW

2.) Protection of
Firefighters

Multiple Laws

**WHY
DOES
THIS
MATTER**

VFB

LAB

3.) Risk & Liability
Exposure
Incl. Dept / Company
Village & Firefighters

4.) Financial Reporting
Compliance and risk to
future grant eligibility and
lending leverage.

IT'S ALWAYS BEEN DONE THIS WAY

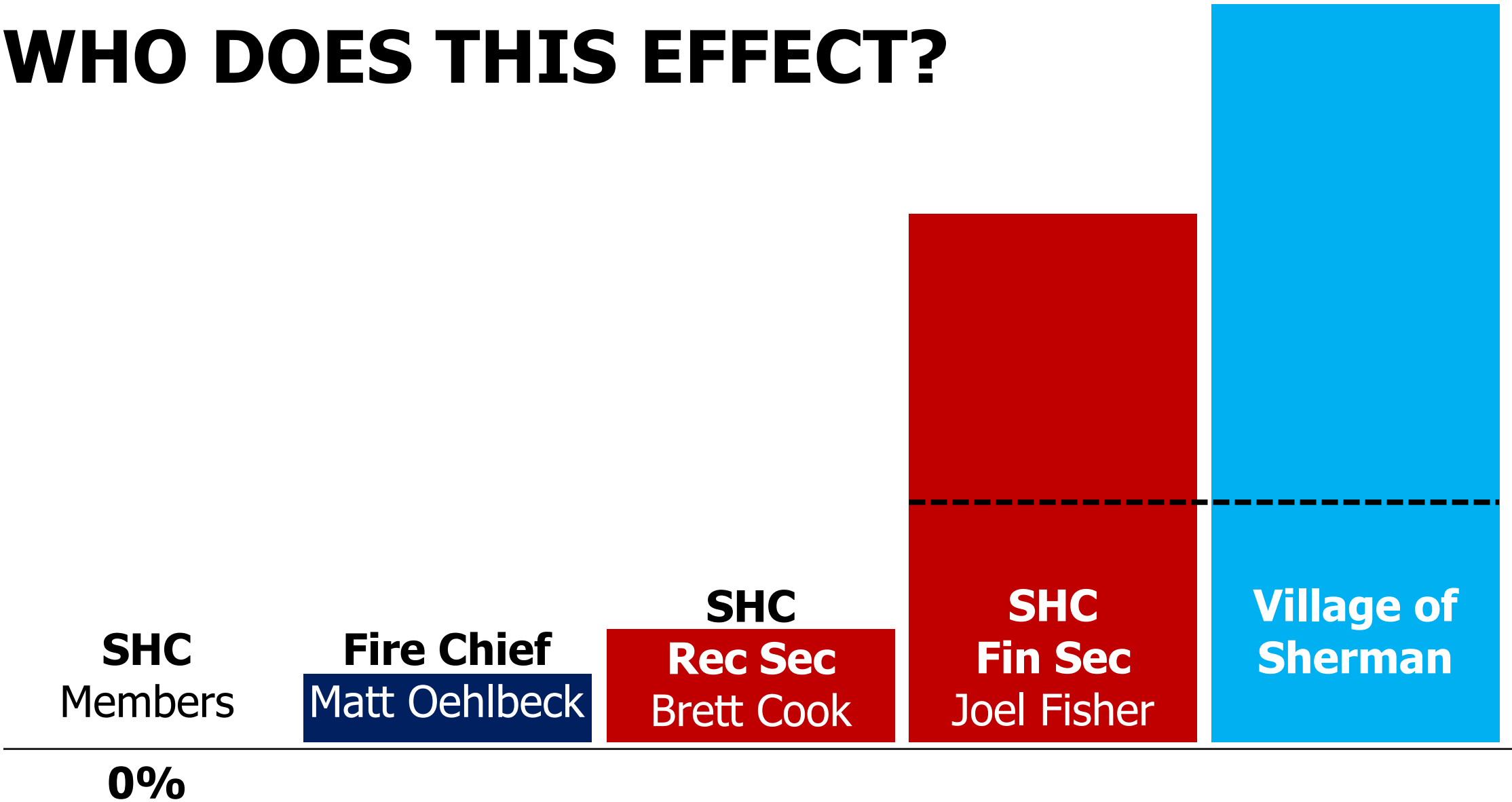
THIS IS JUST SHERMAN

❖ **SO-AND-SO SAYS** their fire dept/company doesn't have to...

- a. They may not be following NYS Laws.
- b. They may follow a different procedure under a different governing body / political subdivision with a different structure.
- c. They may be following all the laws applicable to their structure and be unaware of the procedures that are managed in the background.

As ours will soon be.

WHO DOES THIS EFFECT?



Fire Chief
Matt Oehlbeck

Fire Chief -

Duties of the Chief - General Municipal Law Art 10 § 204-d

Village Law Art 10 § 10-1018 Duties of chief and assistants. The chief shall be president of the council and of the meetings of the fire department. ...report to the board the condition of the property of the department and such other information respecting the department as may be required.

SHC

Rec Sec
Brett Cook

Recording Minutes may be slightly changed for the "Department" and the "Company"

SHC
Fin Sec
Joel Fisher

PAPERWORK

routine, annual submissions to the clerk.

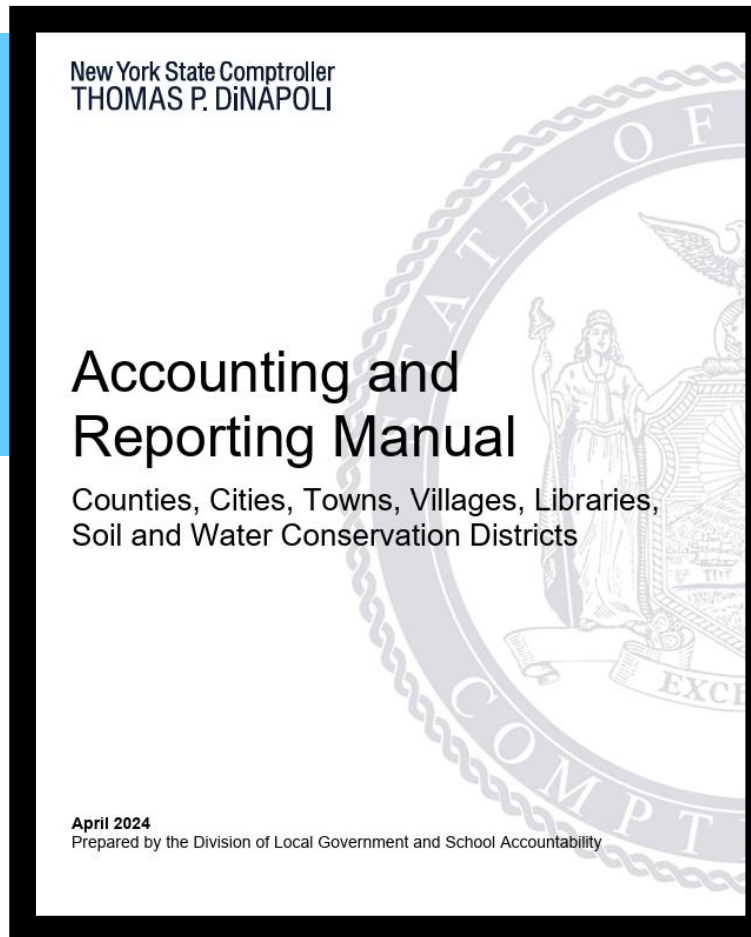


Fire Companies – In most instances, for accounting purposes, fire companies are considered special purpose units. However, in certain situations, they may constitute a CU or, as in the case of a village fire department, a blended unit.

Village of Sherman

“Blending”

“for accounting purposes”...
“for reporting purposes” to the
NYS OSC, the fire company is
‘blended’ into the General Fund
of a Village (Exp Code A3410).



Pg 42 of the ARM,
April 2024,
updated.

Pg 42 of the ARM,
April 2024,
updated.

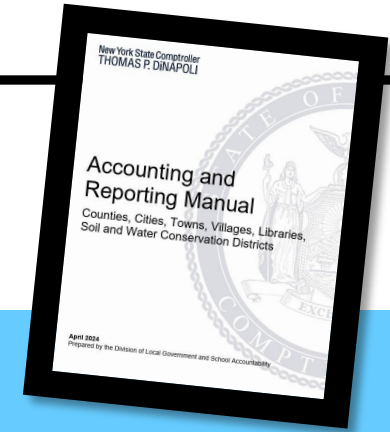
“Blending”

For Accounting Purposes ONLY

Fire Companies are either accounted for:

1. As a special purpose unit – as in a fire district.
2. As a CU Component Unit – A legally separate organization for which **“the elected officials of the primary government are financially accountable”**.
3. As a blended unit in the case of a village fire department.

**Village of
Sherman**



Fire Companies – In most instances, for accounting purposes, fire companies are considered special purpose units. However, in certain situations, they may constitute a CU or, as in the case of a village fire department, a blended unit.

GASB Statement 14 The Financial Reporting Entity
Governmental Accounting Standards Board NO. 078-B / June 1991

**Village of
Sherman**

Pg 52

Blended Component Units

123. ...Only in specific situations in which the component unit is, in substance, an integral part of the primary government should a component unit be blended.

... component units should continue to qualify for blending if the component unit's service to others is incidental to the component unit's operations.

GASB Statement 14 The Financial Reporting Entity
Governmental Accounting Standards Board NO. 078-B / June 1991

**Village of
Sherman**

Pg 52

Blended Component Units

123. ...Only in specific situations in which the **fire company** is, in substance, an integral part of the **village** government should a **fire company** be blended.

... **fire companies** should continue to qualify for blending if the **fire company's** service to others is incidental to the **fire company's** operations.

****A legally separate organization for which "the elected officials of the primary government are financially accountable".**

ORDER OF ORGANIZATION

- 80-year belief that:

Stanley Hose

is over the

Fire Department

- Where in fact:

Stanley Hose

is under the

Fire Department

MANAGEMENT

- 80-year belief that:
Stanley Hose
runs the
Fire Department

- Where in fact:
Stanley Hose
supports the
Fire Department



Uniquely

UNDERSTANDING THE CHANGES

❖ **NO**
OPERATIONAL
OR FINANCIAL
CHANGES

No Change

➤ **STRUCTURAL**
PROCEDURAL
& REPORTING
CHANGES
ONLY

*** SO LONG AS STANLEY HOSE COMPANY
CONTINUES THE RESPONSIBLE
STEWARDSHIP THEY HAVE DEMONSTRATED
FOR 80 YEARS, ALL POWER TO MANAGE THE
MEMBERS AND ASSETS IN SUPPORT OF THE
SHERMAN FIRE DEPT WILL CONTINUE JUST
AS THEY HAVE BEEN CONDUCTED, FOR
ANOTHER 80 YEARS!**

UNDERSTANDING THE CHANGES

❖ **Members of the
Fire Dept elect
the Chief and
Line Officers**

No Change

➤ **Fire Chief &
Council are
ratified by the
Village Trustees**

UNDERSTANDING THE CHANGES

❖ **SHC vets,
nominates, and
elects new
members**

No Change

➤ **SHC Members
are confirmed
by the Village
Trustees**

UNDERSTANDING THE CHANGES

❖ SHC manages
the *use* of all
SHC owned
property

No Change

➤ Fundraising
activities to be
'approved' by
Village
Trustees

UNDERSTANDING THE CHANGES

❖ **SHC approves
the budget
and manages
the finances.**

No Change

➤ **SHC Budget to
be INCLUDED
(not approved)
by Village**

“Blending”

UNDERSTANDING THE CHANGES

❖ **SHC keeps all
control and
management of
\$ & assets**

No Change

➤ **SHC \$ to be
reported &
aligned with the
Village's Fiscal
Year End 5/31**

This is what we have completed to date:

- ✓ VOS Insurance declarations updated
- ✓ SHC / Fire Dept Members confirmed (VFBL)
- ✓ Fire Dept Officers ratified (VIL)
- ✓ SHC / Fire Dept Regular Mtgs Posted (OML)
- ✓ SHC Annual Fundraisers Approved (GML, NPC, VFBL)

In progress:

- Establishing Council of the Fire Department
- VOS Fire Department Policy Law drafted
- SHC Bylaws under review
- SHC Code of Ethics under review
- Financial Reporting of the “blended unit”



Done together for consistency.

To do:

- Village & Stanley Hose MOU (Memorandum of Understanding, update contractual agreement)
- Village needs to Execute Fire Dept Contracts, (if any are applicable)

.

PROPOSED LOCAL LAW - Much like: LL 5-2022 Village of Sherman 'Code Enforcement Program'

Why does the 'Fire Dept Policy' have to be a local law?

- ❖ It's governing the administration of an essential public service. ***NPC § 1402** refers to the laws of the governing political subdivision (village).*
 - ❖ It's a summary of all these applicable laws, parts of the bylaws and Sherman's standard operating procedures in following them for compliance.
 - ❖ Where there are 'blanks or grey areas' to be filled in at the discretion of the local level, items can be defined as they specifically relate to Sherman, i.e., not Captains & Lieutenants, but Line Officers. What is a warden? We provide Ambulance Services, defining Sherman's residency requirements (consistent with bylaws), etc.
 - ❖ It'll outline the unique relationship of funds flowing to SHC to be managed by the company, as opposed to from the company to the department/village.
 - ❖ It will be adopted following a public hearing and must be filed with the NYS DOS.
- 

QUESTIONS ON FIRE DEPT/SHC PRESENTATION?

- 1.) Firefighters**
 - 2.) Village Residents**
 - 3.) Other Stakeholders**
-

SHERMAN FIRE DEPARTMENT

History

Stanley Hose Company

History of The Stanley Hose (Fire) Company

Stanley Hose Company's intention to incorporate was recorded on May 3, 1946, in the Minutes of the Meeting of the Village of Sherman Board of Trustees, pg. 529.

A committee of members of the Sherman Fire Department, then acting as an unincorporated association (i.e., *unincorporated fire company*) executed the incorporation of "**The Stanley Hose Company, Inc.**" pursuant to the Membership Corporations Law on Sept 27, 1946, filed with NYSDOS Oct 28, 1946.

Later amended under the Not-for-Profit Corporations Law on Jun 8, 1999, recorded by NYSDOS Jun 16, 1999, stating 'the organization is organized exclusively for charitable purposes under section 501(c)(3) of the Internal Revenue Code'.

This action provided the once unincorporated members with the ability to raise funds, own property, and contract as an incorporated organization; however, it did not change the administration, governance structure, or responsibility of the **Village of Sherman** for its **Volunteer Fire Department**, i.e., "**Sherman Fire Department**".

John L Moran was present with reference to the matter of incorporating the Fire Department as a separate unit. The following resolution was presented:

"Whereas the Sherman Fire Department as a corporation existing pursuant to the provisions of Section 203 of the Village Law has acquired the following described property with funds raised from other sources than taxes on the Village of Sherman" ?

And Whereas, the Stanley Hose Co is now incorporating under the laws of the State of New York

* Be it Resolved that the Sherman Fire Department be hereby authorized to transfer to the Stanley Hose Co, Inc