VILLAGE OF SHERMAN

MINUTES OF THE
MEETING OF THE MUNICIPAL ZONING BOARD,
AND REGULAR MEETING OF THE BOARD
Wednesday, August 12, 2026 at 6:00pm

Deputy Mayor Sanders called the meeting to order at 6:00pm and lead everyone in the Pledge of Allegiance. Board members Ryan Sanders, Gary Emory, Dennis Watson, and Danielle Crane; Clerk-Treasurer Jeanette Ramm and the press were in attendance. Mayor Colleen Meeder sent her apologies.

RES 2026-08-12.1: MINUTES
Motion to accept the previous minutes of the Regular Meeting of the Village Board of Trustees held Wednesday, July 15, 2026, and the Special Meeting held on Wednesday, July 22, 2026, at 5:30am (in the morning) to confirm members of the Sherman Fire Department and ratify its Line Officers.
Moved by Trustee Emory Seconded by Trustee Crane
Ayes: 4 Nays: 0 Carried

Motion to suspend the regular meeting and enter into the Municipal Zoning Board Meeting.
Moved by Trustee Crane Seconded by Trustee Watson
Ayes: 4 Nays: 0 Carried

MUNICIPAL ZONING BOARD MEETING
Deputy Mayor Sanders reported that the mayor had met with the NYS DOS Oversight Unit on Monday, July 20, 2026 to review the two complaints submitted by the Piszczek's for Code Enforcement Officer Jeff Messenger and the Village of Sherman regarding the 143 East Main Street garage building permit. This meeting was prompted (much earlier than anticipated) by the Village submitting the FOIL request for the documents CPLT-2026-01058 & CPLT-2026-01059, as the copies provided appear to be incomplete. The NYS DOS Oversight Unit submitted a Request for Records and the Village responded with the information August 10, 2026. No further information can be shared publicly as they conduct their confidential investigation.

Motion to close the Municipal Zoning Board Meeting and resume the regular meeting of the Board.
Moved by Trustee Emory Seconded by Trustee Crane
Ayes: 4 Nays: 0 Carried

REGULAR BOARD MEETING:
DEPARTMENTAL REPORTS FROM DPW DIRECTOR
The report was deferred to the next meeting in the absence of the Director of DPW.

FIRE DEPARTMENT REPORT
AND SUPPORTING FIRE COMPANY, THE STANLEY HOSE COMPANY, INC.

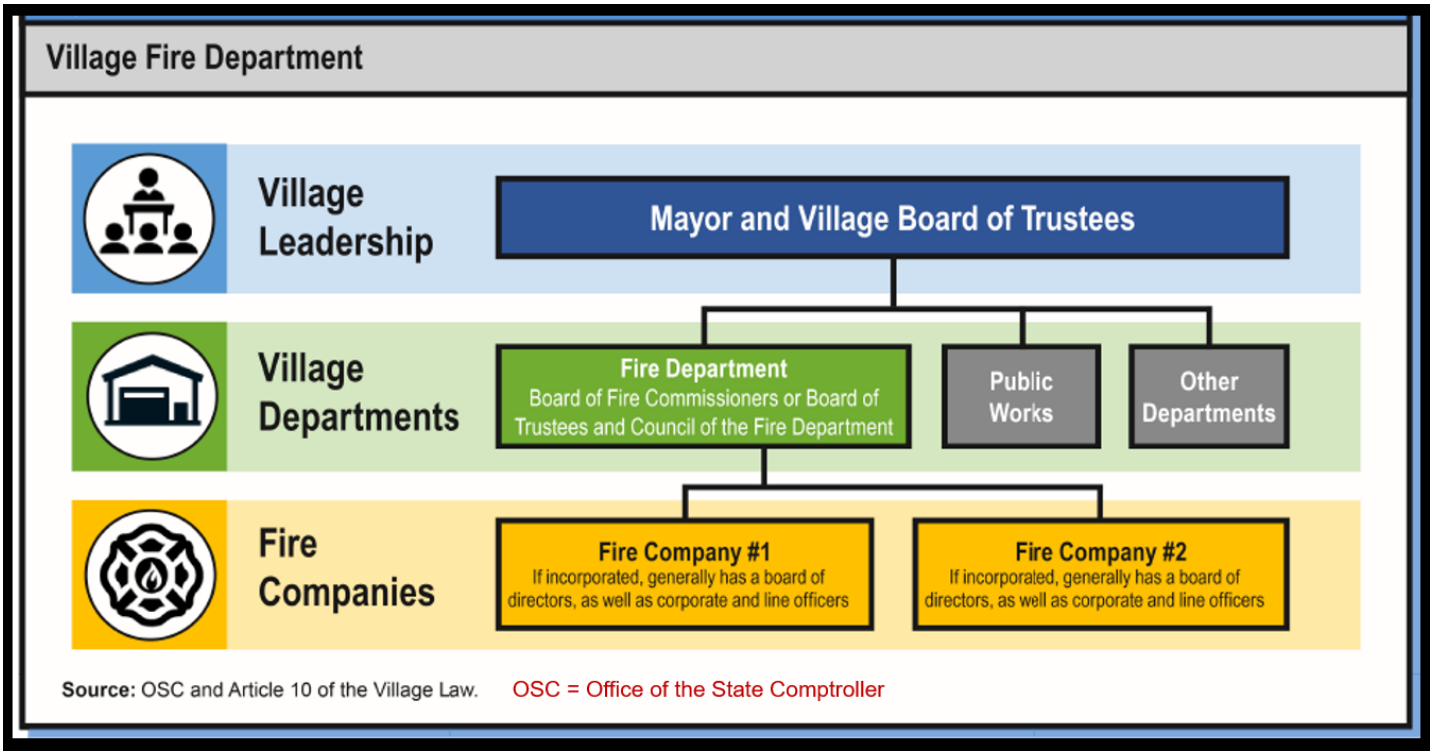
- The mayor confirmed that the fire company whose sole purpose is in supporting the fire department in providing an essential public service is required to follow OML & FOIL:
  - See attached & highlighted, Committee on Open Government OML-AO-3904

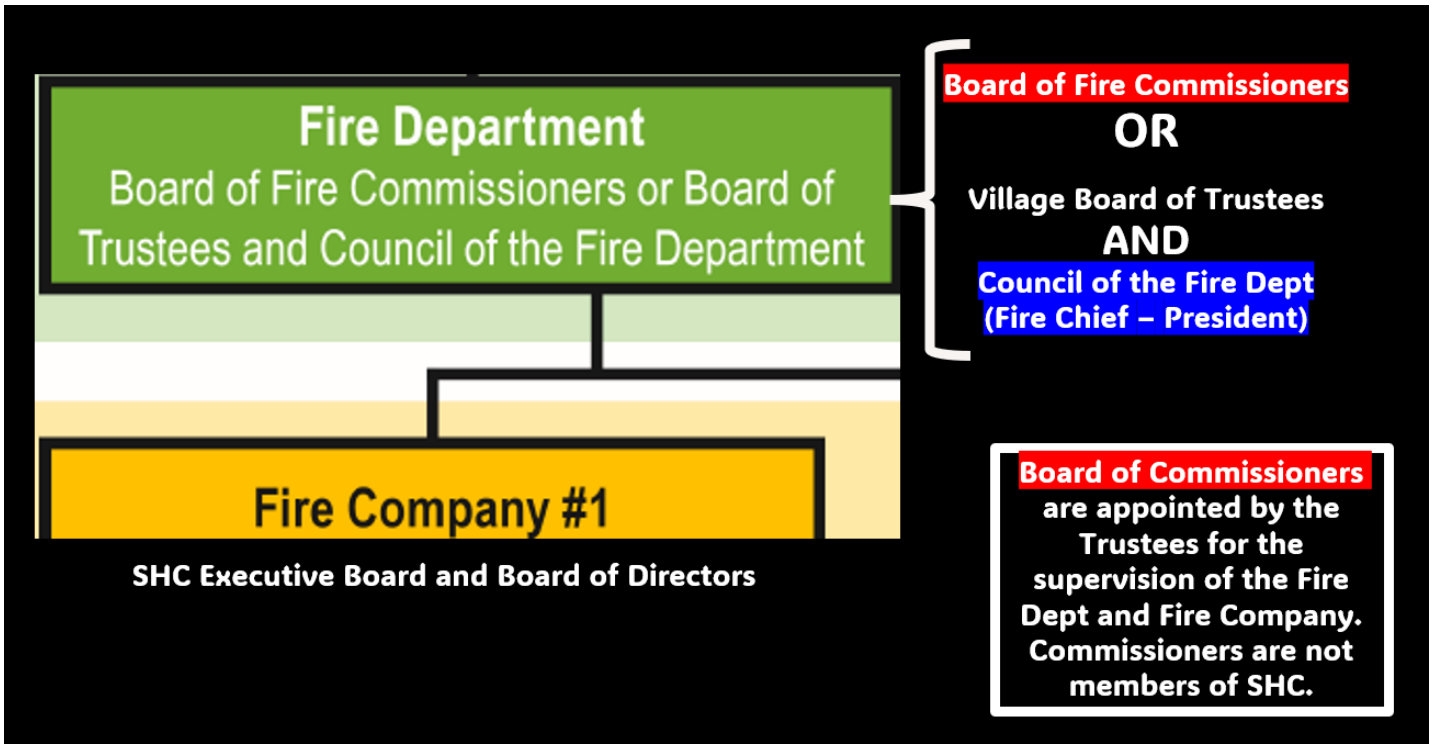
- In the conversations had to date, **all** questions and concerns are driven by the lack of understanding of the legal structure in which the Fire Department, of the Village, is supported by the Fire Company. Though is an impressive multimillion dollar entity, the Fire Company serves the Village Fire Department; where the perception has been for years that the Fire Company runs the Fire Department. The fire company cannot oversee the fire department. The tip of the spear is the Fire Chief, President of the Fire Council, and Village Dept Head. All communication of which must run through or by the Fire Chief accordingly.

See below for the Village Fire Department Structure, Comptroller's Office, for reference.

- The next critical deadlines require the full cooperation of the Fire Chief and Stanley Hose leadership. In the event this is not able to be obtained, the Board of Trustees will need to establish and appoint a Board of Commissions in place of the co-oversight of the Board of Trustees and the Council of the Fire Department.

- During the meeting with the CPA Firm, the mayor confirmed that the fire company existing 'of and for' the fire department must be accounted for as follows:
  - The Fire Department is a department accounted for under the General Fund.
  - The Fire Company exists for the Fire Department.
  - The NYS OSC Accounting & Reporting Manual states the fire company of a village is to be reported as a 'blended unit' (NYS OSC ARM April 2024, pg 42)
  - Therefore, the financials of The Stanley Hose Company, Inc. are to be blended with and reported within the Village of Sherman General Fund.
  - Therefore, the Fire Company's fiscal year must match the municipality, being a blended unit, (not a component unit), and must close the period through 5/31/2026, consistent with the Village fiscal year end; and file an abbreviated 990 Form.
  - Therefore, the Fire Company's budget must be included in the adoption of the Village of Sherman's annual budget, within the General Fund.
  - Now, therefore, Stanley Hose Co. must adopt a 06/01/2026-5/31/2027 budget, after which the Village Board of Trustees will include the Fire Company's budget in the Village of Sherman Budget Amendment.
  - The Adoption of the 2026-2027 Village of Sherman Budget Amendment will require a Public Hearing prior to its adoption.





CAPITAL PROJECT UPDATES

COMPREHENSIVE STORMWATER IMPROVEMENT PROJECT

- Work Status:
  - Upper Basins – hydroseeding is taking root at the dry detention pond. CCSWCD is returning to complete the North Haven seeding and is lined up to seed some other places in the Village. The Village DPW paved the Brosius driveway and is completing the Miller St reclamation.
  - Main Street - Legend Excavating received the Bond Release from the NYS DOT, closing out the final outstanding item. The Village continues to make improvements along the French Creek Parks, mural, bump outs, replacing signs and applying paint to Main St in coordination with the NYS DOT regional office.

COMPLETE STREETS

CREDC Chautauqua Region Economic Development Corporation

- Matt Zarbo of Square Engineering continues to follow up with the NYSDOT on details that are not clearly defined in the manual.

CHRIC Housing Projects

- **CDBG Housing Project** #1071HR324-23 – Final APR Report to be submitted.
- **MMHR** - Josh Freifeld, President of CHRIC, Clerk Ramm, and Mayor Meeder met with Homes & Community Renewal to plan for the additional Mobile & Manufacture Home Replacement grant application due 9/3/2026, to provide for the shortage in the initial grant that limits the total amount per unit. The latest announcements have contractual conditions "notwithstanding", which that single word provides much more flexibility for the subawards.

ASSET MANAGEMNT GRANT

- The Wastewater Asset Management program grant is expected to be wrapped up as early as September. DPW Director Irwin and Mayor Meeder met on Aug 4, 2026 with the team from

CHA Solutions / (CHA Consulting Inc.) on the IBM based Maximo Asset Management System and Maintenance Mgmt. The discussion involved financial forecasting based on current rates, inflationary factors, and conservatively estimated timelines for building capital and equipment repairs and replacement. The minimum annual increase of 3-3.3% of rates is necessary in keeping with inflation. This will provide assistance in annual budgeting, 5-yr strategic planning, and preparation of long-term capital projects. This program will also help provide documentation for support of future grant applications.

- DPW Irwin has had additional meetings on the system's operational support in tracking and scheduling routine valve exercising, system checks, and equipment serving.
- The Asset Management Program is programmed around the Village of Sherman's specific Wastewater Treatment Plant and existing infrastructure. Before going live at the Sherman WWTP, NYS DEC must approve the set up and assumptions made at the onset, closing out the grant which was fully funded for these efforts. It is the desire of the state and federal government who just contributed 63% in grant toward the $7M WWTP Improvement Project that the investment of public funds be managed and maintained well, with reserves for short-lived assets, and planning for additional building and equipment upgrades in the future.

SHERMAN CHAMBER OF COMMERCE

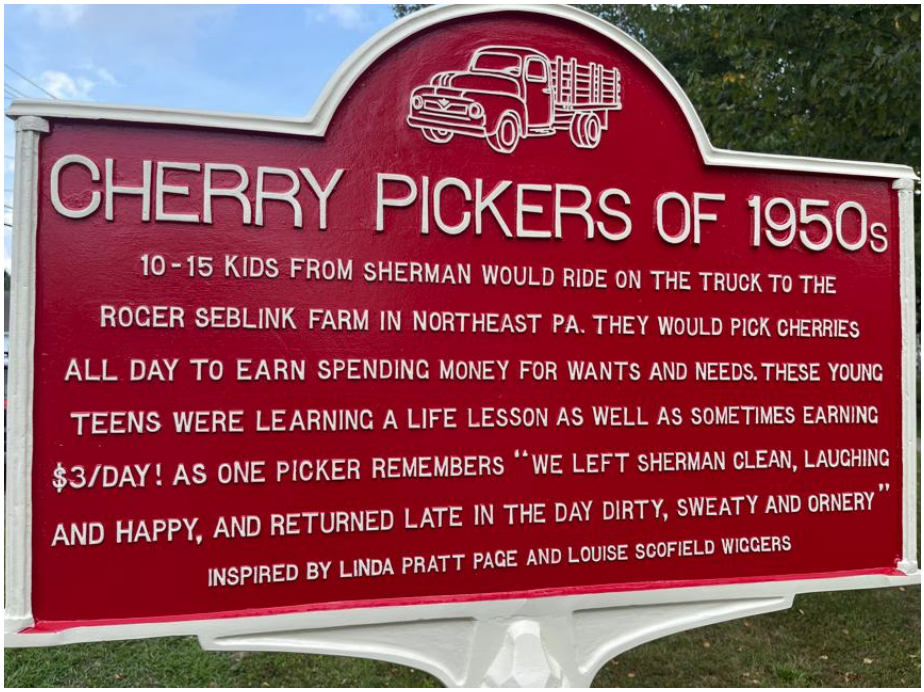
- Next Meeting will be Thursday, August 13, 2026, where the focus will be the Annual Music Festive to be held on September 12th.

SHERMAN DAY COMMITTEE

- Trustee Crane, the Sherman Day Committee president, thanked the Village for the support and assistance, without which the weekend would not have happened. Everyone agreed that the weekend was well attended and enjoyed by all.
- Next meeting will be at The Cooler on Monday, August 24th, at 6pm.

MAYOR

- AFR Annual Financial Report (previously known as AUD Annual Updated Document) was completed, certified, and submitted on Monday, July 27, 2026 (due July 31, 2026). This will be amended to include the Fire Department financials from the Stanley Hose Co.
- CDBG 1071HR118-20 (1st Housing Grant), CDBG 1071HR324-23 (2nd Housing Grant), and CDBG 1071PR103-23 (Main St Stormwater Infrastructure Grant) awards are under post-closing review, documents were submitted to NYS Homes & Community Renewal on Friday, July 31, 2026. We anticipate follow-up meetings for records.
- USDA RD Annual Year-End Audit and Management Report Requirements were submitted Tuesday, August 4, 2026.
- Sherman Days – the consensus is that there were a higher number of people in attendance, which stayed to enjoy the day. We are very grateful for the handful of people serving on the Committee that pull this huge event together each year, most of which serve the community in several other ways throughout the year. The Alumni Banquet and Bonfire on Friday evening were also a success, unfortunately the Classic Car Cruise-In was cancelled on Sunday due to weather.
- The board members are very grateful for Ron Moore who arranged and provided the funding for the dedication of the historical Cherry Pickers of the 1950's sign at the Village Commons.



PUBLIC PARTICIPATION
There was no public participation.

FINANCIAL REPORTS FROM CLERK-TREASURER
Community Bank Accounts:

General Checking Account:	Balance (08/12/2026) is $31,029.85 & book balance ($7,358.28)
NYS Fund Bank Account:	Balance (08/12/2026) is $15,000
Parks Fund Account:	Balance (08/12/2026) is $943.70
Climate Smart Account:	Balance (08/12/2026) is $0.00
Stormwater Account:	Balance (08/12/2026) is $12.60
NYCLASS Account:	Balance (08/12/2026) is $255,987.99
Of which is:	General Funds $183,574.93
	Capital Funds $30,544.43
	Contains Stormwater BAN proceeds and Bldg Proj. Balance
	Debt Funds $580.89
	Repair Reserve Funds $41,287.74
Receipts:	Total $75,174.79

RES 2026-08-12.2: VOUCHER #3 2027
Motion to accept Voucher #3 for $49,919.89 for July 2026, of which $0 is from the NYS Special Fund, and $0 is from the Climate Smart/Economic Development Fund.
Moved by Trustee Emory Seconded by Trustee Watson
Ayes: 4 Nays: 0 Carried

OLD BUSINESS:
RES 2026-07-22.5: SHC ANNUAL FUNDRAISING ACTIVITIES (GML ART. 10 § 204-a)
Motion to approve the Annual Fundraising Activities and Events organized and held by The Stanley Hose Company, Inc.

Details Attached: Annual Fund Drive Mailing, Annual 300 Club Raffle, Annual Sportsman's Raffle.

Moved by Trustee Emory *Seconded by Trustee Sanders*
Ayes: 5 *Nays: 0* *Carried*

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 is 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

<u>NEW BUSINESS:</u>

RES 2026-08-12.4: NYS DOT PERM 1 UNDERTAKING WORK IN RIGHT-OF-WAY
PERM 1 (2/12)

UNDERTAKING

For the benefit of
The New York State Department of Transportation
In connection with work affecting state highways
(For use by New York municipalities and federal agencies)

WHEREAS, the undersigned Village of Sherman (Municipality, hereinafter referred to as "Permittee") from time to time receives permits from the New York State Department of Transportation (hereinafter referred to as the "NYSDOT") and otherwise conducts activities and operations upon highways and/or within right-of-way controlled by the State of New York for such purposes as the obstruction, installation, construction, maintenance and/or operation of facilities; and

WHEREAS, Permittee's access and operation upon state right-of-way is conditioned upon compliance with Highway Law Sections 52, 103, 203 and/or 234, including the conditions that Permittee assume all responsibility for (a) the temporary control of all modes of traffic (including motorized and non-motorized travel) affected by Permittee's operations, (b) complete restoration of state facilities to their condition prior to permitted use or activity, and (c) all claims, damages, losses and expenses,

NOW, THEREFORE, in relation to all operations and/or actions undertaken within state right-of-way, Permittee hereby agrees to the following terms and conditions:

1. **Permit Applications.** Excepting only activities undertaken to protect public safety because of emergency conditions or incidents, Permittee shall provide timely written notice to NYSDOT of operations or activities affecting state right-of-way. Under normal circumstances, a minimum of five business days' notice shall be provided. Notification of emergency activities shall be provided to NYSDOT as soon as practicable after the activity. The Permittee shall apply for project-specific permits for activities not allowed under any existing annual permit. Such application shall identify proposed project locations, desired dates/hours, proposed work/activities, traffic control, and site restoration

2. **Applicable Rules, Regulations & Conditions**. Permittee shall comply with all of the laws, rules and regulations applicable to construction, maintenance activities and operations and shall further comply with such terms and conditions that may be imposed by NYSDOT in connection with permitted activity or operations. Temporary Traffic Control, highway safety appurtenances, and restoration of state facilities shall be completed in accordance with NYSDOT regulations and standards.

3. **Site Restoration.** Permittee shall, at its own expense, promptly complete the work allowed under each permit and, within a reasonable time, restore State property damaged by its work/activities to substantially the same or equivalent condition as existed before such work was begun as determined by the Commissioner or his/her designee. In the event that the Permittee fails to so restore damaged State property within what the Commissioner deems to be a reasonable time, the Commissioner, after giving written notice to the Permittee, may restore the property to substantially the same or equivalent condition as existed before the Permittee's work/activities, in which case, Permittee agrees to reimburse the reasonable expenses in connection therewith.

4. **Payment & Release of Liens.** Permittee shall be responsible for the payment of all costs and materials relating to its work in the public right-of-way, and agrees to defend and save harmless NYSDOT against any and all lien claims made by persons supplying services or materials to Permittee in connection with Permittee's work.

5. **Indemnity.** In addition to the protection afforded to NYSDOT under any available insurance, NYSDOT shall not be liable for any damage or injury to the Permittee, its agents, employees, or to any other person, or to any property, occurring on the site or in any way associated with Permittee's activities or operations, whether undertaken by Permittee's own forces or by contractors or other agents working on Permittee's behalf. To the fullest extent permitted by law, the Permittee agrees to defend, indemnify and hold harmless the State of New York, NYSDOT, and their agents from and against all claims, damages, losses and expenses, including but not limited to, claims for personal injuries, property damage, wrongful death, and/or environmental claims and attorney fees arising out of any such claim, that are in any way associated with the Permittee's, activities or operations under any and all permits issued using this Undertaking.

FURTHERMORE, Permittee hereby warrants that the obligations of this Undertaking are backed by the full faith and credit of Permittee. Permittee may insure or bond any of the obligations set forth herein, or may rely upon self-insurance, budgeted funds, or funds for general operations.

This Undertaking shall be applicable to all permitted activities and operations undertaken after the date of execution and work initiated while this Undertaking is in effect. This Undertaking may be revoked by the Permittee or rejected by NYSDOT upon thirty days written notice but will continue to apply to all permitted activities/operations that were permitted by virtue of this Undertaking. Unless terminated for the purpose of future activities/operations, this Undertaking shall have a term of twenty (20) years and shall be kept on file to facilitate the issuance of future permits to which it will apply.

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Sherman agrees to the terms of this Undertaking, and herein authorizes the mayor to execute this Permit 1 for the purpose of conducting activities and operations upon highways and/or within right-of-way controlled by the State of New York accordingly.

WHEREFORE, on the motion of Trustee Watson, seconded by Trustee Emory, the foregoing Resolution was put to a vote of the members of the Village Board, the result of which vote was as follows:

Colleen Meeder, Mayor	Absent
Ryan Sanders, Deputy Mayor	Aye
Dennis Watson, Trustee	Aye
Gary Emory, Trustee	Aye
Danielle Crane, Trustee	Aye

The foregoing resolution was duly adopted.

RES 2026-08-12.5: SHC ACCOUNTING WAGE

Motion to approve the hourly wage of $25.00 for hours worked accounting for Stanley Hose Company activity for fiscal periods prior to and through 5/31/2026; for work performed by Joel Fisher through March 31, 2027.

Moved by Trustee Emory Seconded by Trustee Watson
Ayes: 4 Nays: 0 Carried

Motion to move into Executive Session at 6:20p.m. to discuss legal issues, *with no action to be taken following the executive session.*

Moved by Trustee Emory Seconded by Trustee Crane
Ayes: 4 Nays: 0 Carried

Returned to the regular meeting at 7:18pm.

Motion to adjourn the meeting at 7:19pm.

Moved by Trustee Emory Seconded by Trustee Crane
Ayes: 4 Nays: 0 Carried

Respectfully submitted,
Jeanette Ramm
Clerk-Treasurer

Next Meeting: Regular Meeting Wednesday, September 9, 2026, at 6pm.
Special Meeting to be determined, if necessary, for legal & accounting.
Future discussions will include Battery Storage Moratorium

FIRE COMPANY
PUBLIC BODY
PUBLIC OFFICERS LAW
OPEN MEETINGS LAW
FREEDOM OF INFORMATION LAW

State of New York
Department of State
Committee on Open Government

One Commerce Plaza
99 Washington Ave,
Albany, New York 12231
(518) 474-2518
Fax (518) 474-1927
https://www.dos.ny.gov/coog/

OML-AO-3904

December 22, 2004

E-MAIL

TO:

FROM: Robert J. Freeman, Executive Director

The staff of the Committee on Open Government is authorized to issue advisory opinions. The ensuing staff advisory opinion is based solely upon the facts presented in your correspondence.

Dear

I have received your letter in which you asked whether a volunteer department is subject to the Open Meetings and Freedom of Information Laws.

In this regard, the Open Meetings Law is applicable to meetings of public bodies. Section 102(2) of the Law defines "public body" to mean:

"...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, or for a public corporation as defined in section sixty-six of the general construction law, or committee or subcommittee or other similar body of such public body."

By reviewing the components in the definition of "public body", I believe that each is present with respect to the board of a volunteer fire company. The board of a volunteer fire company is clearly an entity consisting of two or more members. I believe that it is required to conduct its business by means of a quorum under the Not-for-Profit Corporation Law. Further, in my view, a volunteer fire company at its meetings conducts public business and performs a governmental function. Such a function is carried out for a public corporation, which is defined to include a municipality, such as a town or village, for example. Since each of the elements in the definition of "public body" pertains to the board of a volunteer fire company, it appears that the board of such a company is a "public body" subject to the Open Meetings Law.

I point out that the status of volunteer fire companies had long been unclear. Those companies are generally not-for-profit corporations that perform their duties by means of contractual relationships with municipalities. As not-for-profit corporations, it was questionable whether or not they conducted public business and performed a governmental function. Nevertheless, in a case brought under the Freedom of Information Law dealing with the coverage of that statute with respect to volunteer fire companies, the state's highest court, the Court of Appeals, found that a volunteer fire company is an "agency" that falls within the provisions if the Freedom of Information Law [see Westchester Rockland Newspapers v. Kimball, 50 NY2d 575 (1980)]. In its decision, the Court clearly indicated that a volunteer fire company performs a governmental function and that its records are subject to rights of access granted by the Freedom of Information Law.

In view of the decision rendered in Westchester Rockland, I believe that the board of a volunteer fire company falls within the definition of "public body" and would be required to comply with the Open Meetings Law.

With respect to the scope of the Freedom of Information Law, as indicated above, that statute applies to agency records, and §86(3) defines the term "agency" to mean:

"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."

As such, the Freedom of Information Law generally pertains to records maintained by entities of state and local government.

In Westchester–Rockland, the case involved access to records relating to a lottery conducted by a volunteer fire company, and it was determined that volunteer fire companies, despite their status as not-for-profit corporations, are "agencies" subject to the Freedom of Information Law. In so holding, the Court stated that:

"We begin by rejecting respondent's contention that, in applying the Freedom of Information Law, a distinction is to be made between a volunteer organization on which a local government relies for performance of an essential public service, as is true of the fire department here, and on the other hand, an organic arm of government, when that is the channel through which such services are delivered. Key is the Legislature's own unmistakably broad declaration that, '[a]s state and local government services increase and public problems become more sophisticated and complex and therefore harder to solve, and with the resultant increase in revenues and expenditures, it is incumbent upon the state and its localities to extend public accountability wherever and whenever feasible' (emphasis added; Public Officers Law, §84).

"True, the Legislature, in separately delineating the powers and duties of volunteer fire departments, for example, has nowhere included an obligation comparable to that spelled out in the Freedom of Information statute (see Village Law, art 10; see, also, 39 NY Jur, Municipal Corporations, §§560-588). But, absent a provision exempting volunteer fire departments from the reach of article 6–and there is none–we attach no significance to the fact that these or other particular agencies, regular or volunteer, are not expressly included. For the successful implementation of the policies motivating the enactment of the Freedom of Information Law centers on goals as broad as the achievement of a more informed electorate and a more responsible and responsive officialdom. By their very nature such objections cannot hope to be attained unless the measures taken to bring them about permeate the body politic to a point where they become the rule rather than the exception. The phrase 'public accountability wherever and whenever feasible' therefore merely punctuates with explicitness what in any event is implicit" (id. at 579].

Moreover, although it was contended that documents concerning the lottery were not subject to the Freedom of Information Law because they did not pertain to the performance of the company's fire fighting duties, the Court held that the documents constituted "records" subject to the Freedom of Information Law [see §86(4)].

More recently, another decision confirmed in an expansive manner that volunteer fire companies are required to comply with the Freedom of Information Law. That decision, S.W. Pitts Hose Company et al. v. Capital Newspapers (Supreme Court, Albany County, January 25, 1988), dealt with the issue in terms of government control over volunteer fire companies. In its analysis, the Court states that:

"Section 1402 of the Not-for-Profit Corporation Law is directly applicable to the plaintiffs and pertains to how volunteer fire companies are organized. Section 1402(e) provides:

'...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.'

"These fire companies are formed by consent of the Colonie Town Board. The Town has control over the membership of the companies, as well as many other aspects of their structure, organization and operation (section 1402). The plaintiffs' contention that their relationship with the Town of Colonie is solely contractual is a mischaracterization. The municipality clearly has, by law, control over these volunteer organizations which reprovide a public function.

"It should be further noted that the Legislature, in enacting FOIL, intended that it apply in the broadest possible terms. '...[I]t is incumbent upon the state and its localities to extend public accountability wherever and whenever feasible' (Public Officers Law, section 84).

"This court recognizes the long, distinguished history of volunteer fire companies in New York State, and the vital services they provide to many municipalities. But not to be ignored is that their existence is inextricably linked to, dependent on, and under the control of the municipalities for which they provide an essential public service."

Based upon the foregoing, it is clear that volunteer fire companies are subject to the Freedom of Information Law.

As a general matter, the Freedom of Information Law is based upon a presumption of access. Stated differently, all records of an agency are available, except to the extent that records or portions thereof fall within one or more grounds for denial appearing in §87(2)(a) through (i) of the Law. Similarly, the Open Meetings Law requires that meetings be conducted in public, except to the extent that there is a basis for entry in to an executive session. Paragraphs (a) through (h) of §105(1) specify and limit the subjects that may properly be discussed during an executive session.

The text of the Freedom of Information and Open Meetings Laws, as well as "Your Right to Know", which describes both laws, are available on our website.

I hope that I have been of assistance.

RJF:tt

OML-AO-o3904
3904

Village of Sherman
Stanley Hose Company

8/12/2026
Board
Meeting

The Committee on Open Government opinion OML-AO-3904, while covering Open Meetings Law and FOIL, really captures the essence of the subject:

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".

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.

Fire Company - Raising of funds - General Municipal Law Art 10 § 204-a

General Municipal Law Art 10 § 1. 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 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.

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...

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.

(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.**