

Town of Forestville
Resolution 2023-01
Authorization for Fire Protection Negotiation

Whereas, Wisconsin State Statute §60.55(1)(a) states “The town board shall provide for fire protection for the town.”; and

Whereas, Wisconsin State Statute §60.55(1)(a)2 grants authority to the town for “Joining with another town, village or city to establish a joint fire department.”; and

Whereas, on December 1, 1980, the Town of Forestville entered into an agreement with the Town of Clay Banks, the Town of Nasewaupée, and the Village of Forestville to establish the Southern Door Fire Department; and

Whereas, on September 7, 2022, the Town of Nasewaupée provided notice pursuant to section 5 of the Southern Door Fire Department Operating Agreement as amended on December 20, 1984 and consistent with Article II Section I of the By-Laws of the Southern Door Fire Department, Inc. that it remove itself from the Southern Door Fire Department, Inc. and terminates and withdraws from its participation in the Operating Agreement as of the date of the 2023 Annual Meeting of the Corporation, which is September 27, 2023; and

Whereas, there will be legal and/or professional costs incurred relative to the sale and transition of assets and the subsequent restructuring of the Southern Door Fire Department. These costs will be shared equally between the Towns of Clay Banks, the Town of Forestville and the Village of Forestville; and

Whereas, notice was also given by the Town of Nasewaupée to exercise the first option to purchase the assets of the corporation located within the Town of Nasewaupée given to it in Section 6 of the Operating Agreement; and

Whereas, the Town of Forestville wishes to provide for the fair and equitable distribution of Southern Door Fire Department assets, including apparatus, tools, equipment, and related fire protection assets; and

Whereas, the Town of Forestville wishes to establish a new town fire department in conjunction with the Town of Clay Banks and the Village of Forestville.

NOW THEREFORE BE IT RESOLVED that pursuant to Wisconsin State Statute §60.55(1)(a) and §60.55(1)(a)2 the Board hereby finds and authorizes the following:

1. Hereby assign responsibility to the Town of Forestville Chairperson to enter negotiations and to work closely with the Chairperson of the Town of Clay Banks and the President of the Village of Forestville regarding separation of the Town of Nasewaupée from the Southern Door Fire Department, and to make provision for continuation of Fire Protection Services beyond September 27, 2023; and
 - a) Negotiate values of Southern Door Fire Department assets, including apparatus, tools, equipment, and related fire protection assets that may be sold to the Town of Nasewaupée; and
 - b) Create formal counteroffers for any offer to purchase received for assets, including apparatus, tools, equipment, and related fire protection items; and

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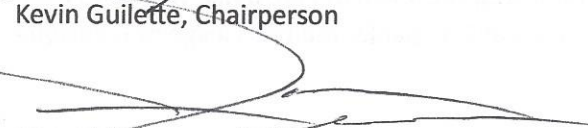
- c) Accept or reject any agreement to purchase offers for the assets, including apparatus, tools, equipment, and related fire protection items that the Town of Nasewaupee has the option to purchase but does not purchase, per Section 6 of the Southern Door Fire Department Operating Agreement, from the date of this resolution until midnight on September 27, 2023; and
- d) Review on behalf of the Forestville Town Board, with advice from legal counsel and agreement from the Town of Clay Banks and the Village of Forestville, any leases for Southern Door Fire Department assets that may be sold to Town of Nasewaupee but remain in use by the Southern Door Fire Department until September 27, 2023; and
- e) Negotiate a fair and equitable formula for the distribution from the sale of assets or lease agreement income with, advice from legal counsel, and agreement from the Town of Clay Banks and the Village of Forestville, any leases for Southern Door Fire Department that will enable to Town of Forestville to accept or reject adoption of the distribution formula; and
- f) Develop an Operating Agreement for the provision of fire protection for the Town of Forestville in conjunction with the Town of Clay Banks and the Village of Forestville that is acceptable to the Forestville Town Board.
- g) The Forestville Town Board will be kept appraised of negotiation progress on at least a monthly basis or during any properly called and noticed special town board meeting.

BE IT FURTHER RESOLVED that all actions heretofore taken by the Board with respect to the matters contemplated under this Resolution are hereby ratified, confirmed, and approved.

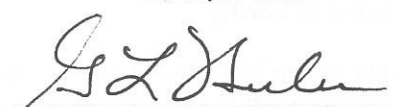
ADOPTED the 25th day of April 2023



Kevin Guillette, Chairperson




Jason Tlahac, Supervisor



Larry Huber, Supervisor

ATTEST:



Ruth Kerscher, Clerk
Town of Forestville