

**SUPREME COURT OF THE STATE OF NEW YORK**  
*Appellate Division, Fourth Judicial Department*

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**CA 16-01328**

PRESENT: SMITH, J.P., CARNI, NEMOYER, CURRAN, AND TROUTMAN, JJ.

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IN THE MATTER OF JENNIFER WAITE, DAVID  
WILLIAMS, JONATHAN SCHELL, DARRELL HARRIS  
AND JOSEPH LAWLER, RESIDENT TAXPAYERS,  
ELECTORS AND LEGAL VOTERS IN THE TOWN OF  
CHAMPION FIRE PROTECTION DISTRICT,  
PETITIONERS-APPELLANTS,

V

MEMORANDUM AND ORDER

TOWN OF CHAMPION, RESPONDENT-RESPONDENT.

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PINSKY LAW GROUP, PLLC, SYRACUSE (BRADLEY M. PINSKY OF COUNSEL), FOR  
PETITIONERS-APPELLANTS.

SLYE LAW OFFICES, P.C., WATERTOWN (ROBERT J. SLYE OF COUNSEL), FOR  
RESPONDENT-RESPONDENT.

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Appeal from a judgment (denominated order) of the Supreme Court, Jefferson County (James P. McClusky, J.), entered December 16, 2015 in a CPLR article 78 proceeding. The judgment dismissed the petition.

It is hereby ORDERED that the judgment so appealed from is unanimously affirmed without costs.

Memorandum: Petitioners appeal from a judgment dismissing their CPLR article 78 petition seeking a determination that respondent's dissolution plan is void and a determination that respondent must comply with General Municipal Law, article 17-A, title 3. We agree with respondent that Supreme Court properly dismissed the petition inasmuch as respondent complied with the statute (see § 786 [1]). The majority of electors voted for dissolution of the Champion Fire Protection District, and respondent consequently fulfilled its duty of devising a dissolution plan (see § 782 [2]). Petitioners failed either to attain the requisite number of signatures to challenge the dissolution plan by referendum (see § 785 [2] [a]), or to petition for the establishment of a fire district (see Town Law § 171 [1]).

Entered: March 24, 2017

Frances E. Cafarell  
Clerk of the Court