

The Consolidation of Fire Protection Services in New York State

A Primer

Lisa K. Parshall

September 2022

Rockefeller
Institute of Government



"Owego, New York Central Fire Station" by Kenneth C. Zirkel is licensed under CC BY-SA 4.0, https://commons.wikimedia.org/wiki/File:Owego,_New_York_Central_Fire_Station.jpg.

ABOUT THE AUTHOR

Lisa K. Parshall is a fellow at the Rockefeller Institute of Government and a professor of political science at Daemen College



The Consolidation of Fire Protection Services in New York State: A Primer

Executive Summary

The delivery of fire protection services in New York State is both fragmented and costly, making it an area of local service delivery seemingly ripe for streamlining and reorganization. New York has:

- 902 independent fire districts
- 887 fire protection districts
- 1,084 municipal and incorporated fire departments which derive over 84 percent of their revenue from local property taxes

Yet, despite a high degree of cooperation and service sharing agreements between these units, mounting pressures, and high property tax burdens, the consolidation and dissolution of fire districts and departments remains a relatively rare phenomenon. This report reviews the basics of fire protection services in New York State.

[Part I](#) provides an explainer on how fire protection services are delivered in New York State. It addresses:

- how municipal entities (cities, villages, and towns) provide fire protection services;
- the resulting fire protection jurisdictions (fire districts, fire protection districts, and joint town-village fire districts) and their legal authority and financing;
- the entities delivering fire protection services (municipal fire departments, fire districts, and incorporated fire corporations/departments);
- the complex overlay of shared services and inter-municipal cooperation.

[Part II](#) overviews the case for consolidation. Nationally, the increase in the ranks of career (paid) firefighters, even as the number of structure fires has decreased, has prompted calls to reimagine fire services. In New York State, the desire to streamline local governments has been tied to the state's high property tax burden, mounting fiscal pressures on local departments, and dwindling ranks of volunteer firefighters.

[Part III](#) reviews state-level policy initiatives designed to ease the legal pathway and incentivize local government reorganization. It explains the legal processes for the consolidation and dissolution of fire districts and departments under New York's General Municipal Law, Article 17-A.

[Part IV](#) examines recent consolidation efforts funded through New York's Local Government Efficiency (LGE) and Citizens' Reorganization and Empowerment Grant (CREG) programs. A handful of additional consolidations or recombination of fire protection entities has taken place without state-funded study or grants. Of the 19 state-funded awards:

- nine (47.4 percent) either failed or stalled following a funded study;
- eight (42.1 percent) resulted in a consolidation of fire protection entities;
- one (5.3 percent) resulted in the creation of a new fire protection entity;
- one (5.3 percent) did not proceed to a study (award declined).

[Part V](#) offers some observations and explanations as to the barriers and impediments to the reorganization of fire protection services despite the growing pressures on, fragmentation of, and efficiency savings opportunities in the current configuration of this service. Among these are:

1. the complexity of fire protection services, which dissuades citizens from supporting reorganization efforts;
2. localism in the provision of critical services, in which residents feel loyalty to their community fire departments and fear the diminution of critical services under reconfigured service delivery options;
3. state-level policy impediments, including legal constraints on municipal authority and shortcomings in the laws governing local government consolidation and dissolution;
4. local control over reorganization options that renders more than marginal change politically infeasible.



Introduction: A Rare Fire District Consolidation

In May 2022, the Ridge-Culver and Laurelton Fire Districts in Monroe County, New York, officially merged into a new consolidated entity: the Irondequoit Fire District—a fire district under Article 11 of Town Law.¹ The consolidation, several years in the works, was hailed both as a means of improving the efficiency and quality of fire protection services and ensuring a more stable property tax rate for district taxpayers. The merger is also anticipated to reduce the aggregated operational cost by 5 percent. In making the announcement, local officials touted it as the first ever municipal consolidation of its kind in New York State.^{2,3} Although an inaccurate claim, the consolidation of fire districts (FDs) or fire protection districts (FPDs) is a relatively rare occurrence.⁴ This report offers a review of fire protection services in New York State—a term which, for purposes of this report, broadly refers to fire prevention, fire suppression, and a range of associated emergency and nonemergency services frequently provided by fire departments and companies. The report serves as an explainer, providing an overview of the complex landscape of fire services and the arguments for consolidating or streamlining them. The report provides a review of the existing service delivery framework and legal processes for fire district consolidation and dissolution, offering observations as to why such efforts are often resisted.

This report offers a review of fire protection services in New York State—a term which, for purposes of this report, broadly refers to fire prevention, fire suppression, and a range of associated emergency and nonemergency services frequently provided by fire departments and companies.

I. The Basics of Fire Protection in New York State

The provision of fire protection services in New York State is incredibly complex. To assist in breaking it down, it is useful to organize the discussion in terms of:

- how general-purpose municipalities (cities, villages, and towns) provide this critical service to their residents and properties;
- the resulting fire protection service jurisdictions;
- the entities that provide fire protection services;
- the complex overlay of shared/contracted services and cooperation.

How Municipalities (Cities, Villages, and Towns) Provide Fire Services to Their Residents and Properties

Providing fire protection to residents and properties is a function of cities, village governments, and town special districts (as summarized in [Figure 1](#)). State law requires that cities and villages provide fire protection services but prohibits town and county governments from offering fire protection as a municipal function. The explanation for this lies in the history of local government development and localized need for fire services. As more densely populated places, fire protection was assigned as a municipal responsibility under General City and Village Law. In towns, which are geographically larger units containing more sparsely populated areas, the provision of such services was accommodated through the creation of special districts within the town, allowing costs to be assessed to areas based on need of services rather than on a town-wide basis. County governments acquired general-purpose power and functions on par with cities, villages, and towns much later. Thus, their fire protection authority has been limited to coordination rather than direct service provision. As the number of municipalities (mainly villages) proliferated and use of the special district by towns grew, so too did the number of fire protection jurisdictional entities. And with population growth over time, the number of fire districts and fire companies to service residents and properties consistent with local demand similarly increased.⁵ Where populations have since decreased or dwindled, those independently incorporated fire companies and fire station houses continue in existence as part of the fabric of the community. Much like our local government structure, the current configuration of fire protection services and entities accrued over time—less the product of an overarching rational design as the culmination of evolution and localized control.

FIGURE 1. How General-Purpose Municipalities Provide Fire Services to Their Residents and Properties



Cities and Villages

In New York, cities and villages are required to provide fire protection services as a municipal function. In all cities and most villages, that protection is provided on a city- or village-wide basis by a municipal fire department. City fire departments are established pursuant to the respective city charter and will vary in the administrative organization that the charter creates. Village fire departments are established under Village Law, Article 10 and are administered by an appointed board of fire commissioners or the village board in conjunction with a council of the fire department (Village Law, §10-1000, §10-1014). City and village fire departments may also be contracted to provide fire services to areas of their embracing town (or towns) that are outside of the city or village boundaries. Villages that do not maintain their own municipal (village) fire department may contract for fire protection with another municipal entity (i.e., a city, village, or independent fire district). Another option for villages is to form a joint village-town fire department (discussed more fully below).



The Forks Fire Department serving the Town of Cheektowaga.
Photograph by Martin J. Anisman.

Towns

For towns, the situation is a bit more complicated. Under state law, *towns cannot directly provide fire protection as a municipal function on a town-wide basis*. Instead, to provide fire protection for the areas of the town that lay outside of any cities and villages, town boards have two main options of creating either:

1. An independent fire district (FD) as an independent, self-governing municipal entity; or
2. a fire protection district (FPD) (or a fire alarm district).⁸

These districts are used for the provision or the contracting out of fire services, allocating the costs to property owners served by that district. The creation of either an independent fire district (FD) or fire protection district (FPD) can be initiated by a town board (or boards) either upon their own motion or via a citizen petition that is signed by residents owning real property constituting at least half of the assessed value of the real property within the proposed district, subject to town board approval (Town Law, §171). While the terms are similar and often used interchangeably in popular reference, an independent fire district (FD) and a fire protection district (FPD) are legally different entities (as discussed more fully below).

Counties

In New York, county governments are not authorized to provide fire services as a municipal function. However, counties “may create a county fire advisory board and may establish the office of county fire coordinator” to “develop and maintain programs for fire training, fire service-related activities and mutual aid in cases of fire and other emergencies in which the services of firefighters would be used” (County Law, §225-a).⁹ Currently, all 57 counties and New York City have fire coordinators who are active members of the County Fire Coordinator’s Association and most have fire advisory boards listed on the county or county legislative website.¹⁰ Thus, counties

play a role in the coordination of fire services, training standards, and mutual-aid planning (including coordination with federal disaster management agencies). But the delivery of fire protection services remains under the administration of cities, villages, towns, and/or independent fire districts.¹¹

Fire Protection Jurisdictional Entities

The municipal provision of services thus creates the different fire protection jurisdictional entities in New York as summarized in [Figure 2](#). These include the municipal fire departments of cities and villages, independent fire districts (FDs), and town-administered fire protection districts (FPDs). Villages and towns additionally have the option of creating a joint village-town fire district, which operates similarly to an independent fire district (FD).

Fire protection services within each of these jurisdictions are primarily funded through municipal tax levies (i.e., through property taxes or special district assessments on property owners to cover the contracted services). Revenues may also be derived through fundraising and charitable donations, and through state assistance. For example, New York imposes a 2 percent tax on fire insurance premiums of “foreign” (out of state) or “alien” (non-US domiciled) companies underwriting insurance policies against fire loss or damage in New York State.¹² The tax is collected by the state, and 90 percent of the funds are distributed to the fire departments that provide fire services to the district in which the policy was written (allocated to the fire companies that service the municipality or district in proportion to their activities) (Insurance Law, § 9104).¹³ Additionally, as of 2022, state law allows fire departments to recover, through the billing of patient healthcare providers (Medicaid and private insurance), the costs associated with providing emergency medical services (EMS) ambulance transportation—a measure that was long sought by firefighting associations within the state as a means of easing budget pressures.

Municipal Fire Departments

Municipal fire departments, as noted above, provide city- or village-wide fire protection services that are funded by the general tax levy of the city or village. Municipal fire departments may consist of multiple fire companies (organized units of firefighters) and station houses (buildings where the fire apparatus and equipment are housed). For example, the City of Buffalo has 19 companies (designated by Engine Numbers) quartered in station houses throughout the city, in addition to an administrative headquarters. The City of Syracuse municipal fire department has nine engine and six truck companies housed in 11 fire stations. The Fire Department of the City of New York is the largest municipal fire department in the United States, employing nearly 11,000 firefighters and 4,300 emergency medical technicians, along with more than 1,000 civilians in administrative support.

FIGURE 2. Fire Protection Jurisdictions

Types of Fire Protection Jurisdictions

Municipal (City and Village) Fire Departments	Independent Fire Districts	Fire Protection Districts (Fire Alarm Districts)	Joint Village-Town Fire Districts
<p>Provide coverage to cities and most villages. May also be contracted to provide services to areas outside of the municipality.</p>	<p>Created by towns as independent, self-governing municipal units to provide coverage to areas outside of cities and most villages. They are municipal units that are distinct from the municipalities that they serve.</p>	<p>Created by towns as service providing districts. They are geographic service districts created for contracting of fire services.</p>	<p>Created by joint resolutions of village and town boards and subject to public referendum.</p>

Legal Authority Regulating their Creation

<p>City or Village Charter</p>	<p>Article X New York State Constitution; Town Law Article 11 Ways to establish: 1) Board resolution 2) Citizen petition Must also receive approval of OSC as in public interest and not an undue tax burden.</p>	<p>Town Law Article 11; §184 NYS Code</p>	<p>Town Law Article 11-A §§ 189-a to 189-c; Village Law §22-2210 and §22-2212.</p>
--------------------------------	---	---	--



Independent Fire Districts (FDs)

The 2022 local government entities list, published by the Office of the State Comptroller (OSC), indicates that there are 902 fire districts in New York State.¹⁴ Independent fire districts (FDs) are public corporations that are created by a town (or towns jointly) under Town Law.¹⁵ Once incorporated, fire districts (FDs) are autonomous and independent entities, or district corporations, under the New York State Constitution with the independent power to levy taxes and incur debt.¹⁶ They are a special-purpose, rather than general-purpose, government but nevertheless are distinct local government entities. FDs are subject to state statutory taxation and expenditure limitations, including New York State's property tax cap.¹⁷ They are not, however, subject to constitutional debt or tax limits. As entities separate and distinct from towns, fire districts (FDs) have their own independently elected governing board—a five-person board of commissioners.¹⁸ These fire commissioners adopt the rules and regulations governing all fire departments and companies within the district.¹⁹ Fire district elections take place annually on the second Tuesday of December (off-cycle from town and village elections) and are usually very low turnout affairs.

For the delivery of fire services, fire districts (FDs) contract with independent fire companies or not-for-profit fire corporation (i.e., a fire company incorporated under New York's Not-for-Profit Corporate Law as discussed below). Fire Districts may alternatively contract with an adjacent municipality (cities, villages, or other FDs) or with independent fire companies that lie outside of their district.²⁰ The negotiation these contracts are at the sole discretion of the board of commissioners; they cannot, for example, be compelled by petition of the residents within the district (A.G. Opn. No. 99-3) or by the town board(s) that created them. As autonomous municipal units, fire district boards create their own budgets, certified copies of which are submitted to the town(s) and to the county for tax collection purposes (Town Law, §§ 174, 181).²¹ A FD may differently assess taxation for fire services within the district. That is, based

on operational costs, properties may be assessed differently within the district to reflect differences in providing services to different areas of the district (Town Law, § 176(27)).

Fire Protection Districts (FPDs)

The 2022 local government entities list indicates that there are 887 fire protection districts and one fire alarm district in New York State.²² Fire protection districts (FPDs) are not considered independent municipal entities but remain creatures of their parent town(s), which retain the authority to create, alter, or dissolve them, and these districts are included within the town's property tax cap levy.²³ FPDs are a special district established exclusively when fire services are contracted out to another entity (i.e., to a municipal fire department of an adjacent city or village, or an independent fire district (FD)) or a not-for-profit fire corporation (i.e., a fire company incorporated under New York's Not-for-Profit Corporate Law) as discussed below.²⁴

Whereas a fire district's (FD) budget is independently created by its board of commissioners and cannot be changed by the town upon submission, town governments have somewhat more control over FPD budgeting. In FPDs, the town board periodically negotiates the service contracts, which, by state law, cannot exceed five years in length. Most FPD contracts are reviewed annually and can be renegotiated and (unlike a FD budget) can be amended by the town board. Still, the operational details (therefore service costs) are not in their direct control.²⁵ Unlike in FDs, the assessment of taxes must be uniform across the entirety of the fire protection district (FPD).

It is important to remember that towns may contain multiple FDs and FPDs and that these districts often span town lines. In other words, the boundaries of fire districts are not conterminous to town boundaries. Many towns may have multiple fire districts (or parts of fire districts) to cover their territory and fire districts can overlap multiple town boundaries (or include portions of multiple towns). Fire districts may sometimes include villages (if the village contracts for their services or if the village services areas of the town-outside-of-village).

As illustration, consider the Town of Amherst Fire Districts in Erie County (see [Figure 3](#)). The town's territory is protected by 10 fire districts.²⁶ Two of these (Eggertsville and Snyder) are independent fire districts (FDs). The Village of Williamsville's fire department (incorporated as the Hutchinson Hose Company) operates out of two station houses and provides services to portions of the town beyond the village. The others are fire protection districts (FPDs) contracting with independent fire companies to provide services within these areas of the town. The existence of multiple fire districts (FDs) and fire protection districts (FPDs) in the town results in varying tax rates for its residents. For example, the *Buffalo News* reported in 2022 that some residents paid four-and-half times what others paid, living across the street from one another (with 24 percent of their county tax bill going for fire protection versus 7 percent).²⁷

FIGURE 3. Amherst, New York, Fire Districts

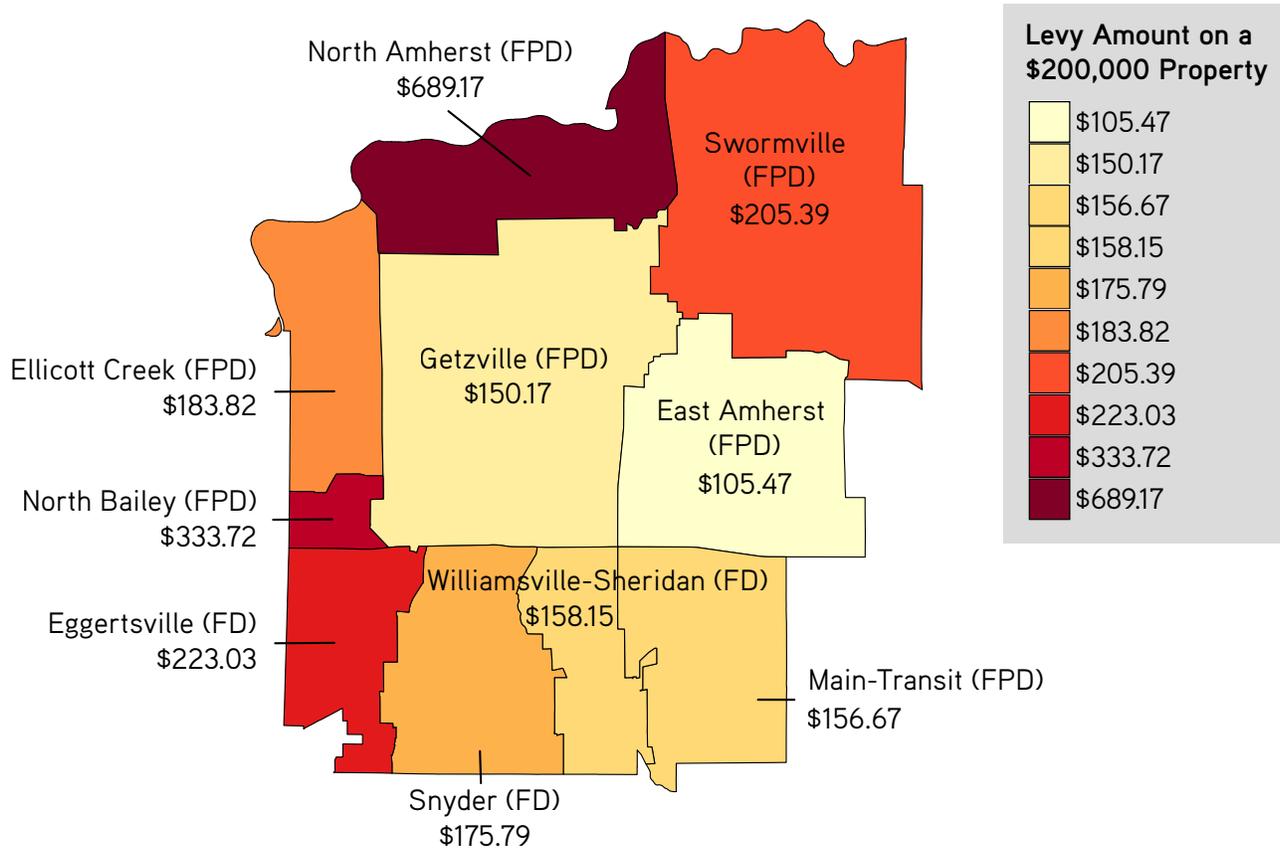


TABLE 1. Illustrative Example #1: Town of Amherst Fire Jurisdiction Tax Rates, 2022

Fire Jurisdiction	2022 Per \$1,000 Assessed Value	2022 Taxes on a Property of \$200,000 Assessed Value
North Amherst (FPD)	3.446	\$689.17
North Bailey (FPD)	1.666	\$333.72
Eggertsville (FD)	1.115	\$223.03
Swormville (FPD)	1.027	\$205.39
Ellicott Creek (FPD)	0.919	\$183.82
Snyder (FD)	0.879	\$175.79
Williamsville-Sheridan (FD)*	0.791	\$158.15
Main-Transit (FPD)	0.783	\$156.67
Getzville (FPD)	0.751	\$150.17
East Amherst (FPD)	0.527	\$105.47

SOURCE: "2022 Adopted Budget Summary Sheets.xlsm," Town of Amherst, https://www.amherst.ny.us/pdf/comptroller/2022_adopted/211116_fire_fund.pdf.

*Excludes portion of district under control of Village of Williamsville board/budget.

The 2022 budget of the Town of Amherst provides the 2022 tax rates for the towns various fire protection jurisdictions, as summarized in [Figure 3](#). To calculate the tax rates, the governing board must first determine the tax levy necessary to fund the approved budget for a fire district (FD) or fire protection district (FPD). The tax levy is the amount of money that must be collected from property owners to make up the difference (shortfall) between the fire district’s budget and incoming revenues (other than property taxes). The tax levy (a dollar figure) is then divided by the total taxable assessed value of property within that district and multiplied by 1,000 (to calculate the number of dollars to be assessed per \$1,000 of property value). The resulting variations are attributable to differences in the fire districts’ budgets, the number, type (residential or commercial), and assessed value of the properties in each district. [Figure 3](#) shows the district tax rates and what that translates to in terms of dollars for a property assessed at a \$200,000 value. Property taxpayers in North Amherst pay more than five-times what those in East Amherst pay to receive fire protection.

FIGURE 4. Monroe County, New York, Fire Districts, Tax Levy on a \$200,000 Property

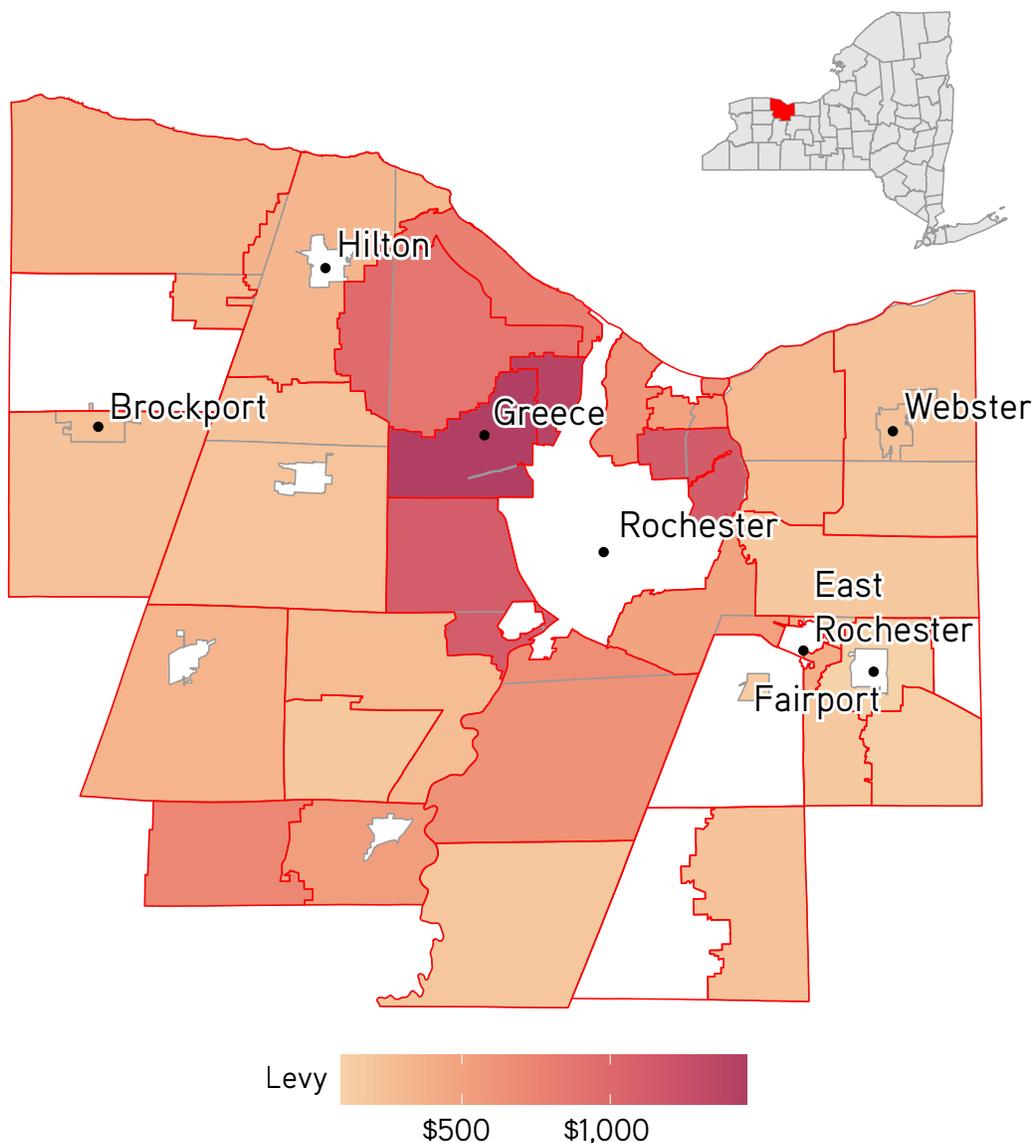


TABLE 2. Illustrative Example #2: County of Monroe Fire Jurisdiction Tax Rates, 2022

Town	Fire Jurisdiction	2022 Per \$1,000 Assessed Value	2022 Taxes on a Property of \$200,000 Assessed Value
Brighton	Brighton Fire District (Brighton and Pittsford) (FPD)	2.466	\$493.23
	Henrietta Fire District (FD)	3.332	\$666.48
Chili	Gates Fire District (Joint—Gates and Chili (JFD)	5.588	\$1,117.67
	Clifton Fire Protection (FPD)	0.918	\$183.58
	Chili Fire Protection (FPD)	1.366	\$273.29
Clarkson	Hilton-Parma Fire District (Parma, Greece, Hamlin, Clarkson) (FD)	1.601	\$320.23
	Brockport Fire District (FD)	1.214	\$242.77
	Hamlin Morton Walk Fire District (FD)	1.463	\$292.68
Gates	Gates Fire District (Joint Gates and Chili) (JFD)	5.588	\$117.67
Greece	Barnard Fire District (FD)	6.984	\$1,396.78
	Ridge Road Fire District (FD)	7.291	\$1,458.10
	Lake Shore Fire District (FD)	3.910	\$781.94
	North Greece Fire District (Greece and Parma) (FD)	4.433	\$886.56
	Hilton-Parma Fire District (Greece, Parma, Hamlin, Clarkson) (FD)	1.521	\$304.22
Hamlin	Hilton-Parma Fire District (Parma, Greece, Hamlin, Clarkson) (FD)	1.769	\$353.75
	Hamlin Morton Fire District (FD)	1.617	\$323.31
Henrietta	Henrietta Fire District (FD)	3.173	\$634.69
Irondequoit	Point Pleasant Fire District (FD)	2.540	\$508.07
	Laurelton Fire District* (FD)	5.262	\$1,052.34
	Ridge Culver Fire District* (FD)	5.927	\$1,185.39
	Sea Breeze Fire District (FD)	3.077	\$615.35
	St. Paul Blvd. Fire District (FD)	3.047	\$609.47
Mendon	Mendon Fire District (FD)	1.139	\$227.85
	Mendon Fire Protection (FPD)	0.635	\$127.05
Ogden	Spencerport Fire District (Ogden and Parma) (FD)	1.121	\$224.21
	North Greece Fire District (Parma and Greece) (FD)	4.871	\$974.24
	Hilton-Parma Fire District (FD)	1.672	\$334.31
	Spencerport Fire District (Parma-Ogden) (FD)	1.146	\$229.14
Penfield	Penfield Fire District (Penfield and Perinton) (FD)	0.889	\$177.78
	West Webster Fire District (Penfield and Webster) (FD)	1.270	\$254.05
	Northeast Joint Fire District (Penfield and Webster) (JFD)	0.976	\$195.18
Perinton	Forest Hills Fire Protection (FPD)	1.943	\$388.62
	Penfield Fire District (Perinton and Penfield) (FD)	0.812	\$162.48
	Egypt Fire Protection (FPD)	0.638	\$127.68
	Bushnells Basin Fire Protection (FPD)	0.905	\$180.90
	Perinton Fire Protection (FPD)	0.478	\$95.50
Pittsford	Brighton Fire District (Brighton and Pittsford) (FD)	2.575	\$514.91
	Pittsford Fire District (FD)	0.775	\$154.95
	Northside Fire Protection (FPD)	1.944	\$388.70

TABLE 2. Illustrative Example #2: County of Monroe Fire Jurisdiction Tax Rates, 2022, continued

Town	Fire Jurisdiction	2022 Per \$1,000 Assessed Value	2022 Taxes On a Property of \$200,000 Assessed Value
Riga	Riga Fire Protection (FPD)	1.728	\$345.66
	Riga-Bergen Fire Protection (FPD)	1.728	\$345.66
	Riga-Clifton Fire Protection (FPD)	1.728	\$345.66
Rush	Rush Fire District (FD)	0.960	\$191.94
Sweden	Brockport Fire District (FD)	1.153	\$230.63
Webster	West Webster Fire District (Webster and Penfield) (FD)	1.500	\$299.92
	Northeast Joint Fire District (Webster and Penfield) (JFD)	1.152	\$230.42
Wheatland	Mumford Fire District (FD)	3.641	\$728.25
	Wheatland Fire District (FD)	2.646	\$529.21

SOURCE: “2022 Town and County Special District Rates,” Monroe County, <https://www.monroecounty.gov/property-district-rates>.

* Excludes municipal fire districts under city or village budgeting authority.

A county-level view highlights the differences in the tax burden for FDs and FPDs even more starkly. For example, in Monroe County, where there has been notable fire consolidation activity, the average tax for FD/FPDs outside of cities and villages on a \$200,000 property is \$454.63. Yet, as seen in the chart, some property owners pay more than double and it can vary significantly both within and between towns.

Similar discrepancies in fire protection assessments occur all across the state. The differences in tax levies and rates are attributable to the departmental budgets (which includes personnel, apparatus, and operational costs), as well as to the number, mix of commercial properties, and the assessed values of properties within the district. As noted, there may be differences across districts in the range of fire and medical services a department provides, as well as frequency or type of calls. Thus, one cannot make a strict apples-to-apples conclusion when comparing the differences in fire district taxes. Nevertheless, fire services are less variable than trying to compare village or town taxes, for example, given that general-purpose governments often vary significantly in the range and level of services provided (i.e., it is more of an apples-to-oranges comparison).

Joint Town-Village Fire Districts

Another option for towns and villages is to create a joint fire district under Town Law, Article 11-A and Village Law, §22-2210. These may be established when deemed in the “public interest” by a joint resolution of the village and town boards, following public hearings, and subject to approval at referendum.²⁸ Their establishment requires the dissolution of any existing fire districts or fire protection districts in the joint district territory. Note that joint fire districts must have contiguous territory. Joint fire districts operate similarly to independent fire districts. Their budgets are adopted by an elected board of commissioners (subject to public notice and hearing requirements). Among the advantages of a joint town-village fire district are elimination of differential

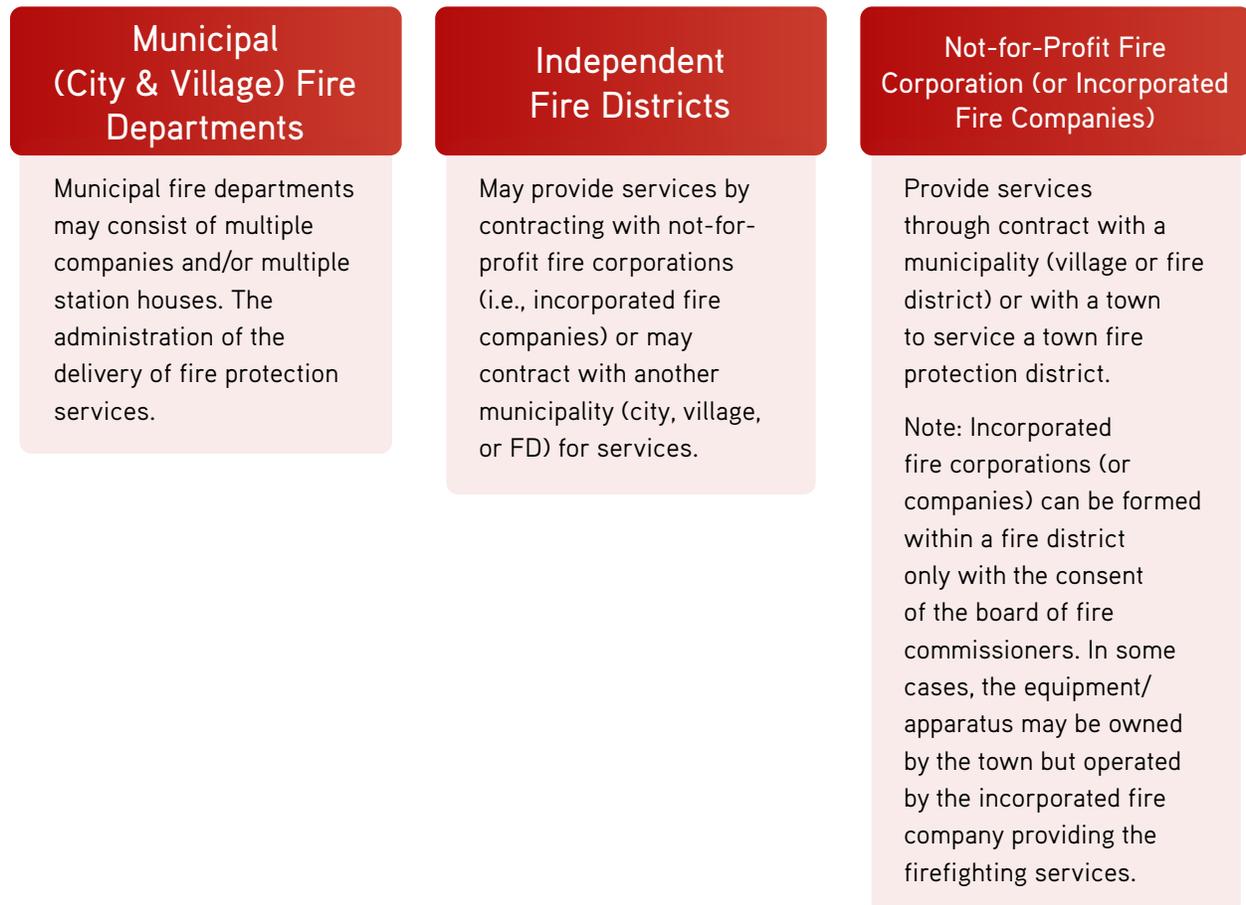
tax rates (all properties will be taxed at the same rate within the district). Like fire districts (FDs), budgets are created by the board of commissioners and delivered to the county for the collection of tax assessments (freeing up revenue in the town and village budgets). Joint districts arguably reduce tensions between villages and towns. As with independent fire districts (FDs), joint town-village districts are independent municipalities that must comply with state financial reporting and auditing requirements.

The Entities Delivering Fire Protection Services

Municipal (City and Village) Fire Departments

The operational administration and delivery of fire protection services in municipal (city and village) fire departments falls to a structure of fire chiefs (or commissioners) and deputies who oversee budget development, data analysis, grant management, the logistics of services and incident management, and service delivery. Thus, although municipal fire departments are under city or village management, in the actual delivery of fire-related services and day-to-day operations, they function independently of the city council or village board.

FIGURE 5. Fire Protection Service Providers





Village of Medina Fire Department. Photo by Martin J. Anisman.

Not-For-Profit Fire Corporations (or Independent Fire Companies)

Fire districts (FDs) and fire protection districts (FPDs), as well as some villages, deliver fire services by contracting with not-for-profit fire corporations (often called independent fire companies or departments).²⁹ Per New York's Not-for-Profit Corporation Law, Section 1402, independent fire corporations (or fire companies/ departments) are voluntary associations that are "under the control of the city, village, fire district or town authorities having by law, control over the prevention or extinguishment of fires therein" (§ 1402-e).³⁰ Although a voluntary (nonmunicipal, private, not-for-profit) corporation, "their existence is inextricably linked to, dependent on, and under the control of the municipalities for which they provide an essential public service" (*S.W. Pitts Hose Company et al. v. Capital Newspapers*, Supreme Court, Albany County, January 25, 1988).³¹ As incorporated entities, these fire corporations (or companies) have their own board of directors and officers who control the corporate assets and liabilities (Not-For-Profit Corporation Law, Article 5, § 511). In addition to their funding through taxpayer revenues (for their contracted services), independent fire companies may also engage in fundraising activities to fund operations and purchase equipment (General Municipal Law, Article 10, § 204-a).³²

Typically, FD or FPD contracts are with a fire corporation or company within the territorial jurisdiction of the district. As noted, however, fire districts (FDs), fire protection districts (FPDs), and villages may contract with an adjacent municipality (i.e., a city or village municipal fire department), with another FD, or with independent fire corporations outside of their district to provide fire protection to residents and properties within their district. To complicate matters further, some fire companies may provide service to more than one FD or FPD. State law also allows towns and counties to purchase and own their own equipment to be operated by an incorporated fire company or department.

Any given area (or territory) is primarily serviced by one fire department, whether that is a municipal department or independent fire company that has a defined service/coverage area. Yet, coverage areas are also overlapped by mutual aid and equipment sharing agreements. Thus, a single incident (such as a house fire or traffic accident) may be covered by or responded to by more than one department or jurisdiction. Because fire protection services are provided by an array of jurisdictional entities and service providers, the result for many residents may seem “patchwork” and confusing.

Fire Departments, Fire Companies, and Firefighters

The basic units of fire protection service delivery is the fire department—a term which, as noted, is generically used to refer to both municipal service providers (i.e., city and village) and not-for-profit incorporated companies.³³ The 2022 local government entities list indicates that there are 1,804 incorporated fire companies in New York State.³⁴ Fire departments are typically sub-organized into groups of firefighters (often called companies) that may denote the specialization of the team (i.e. engine, ladder, hose, or rescue).³⁵ The different companies within departments may also be referenced by their station house—a building where a fire department or company stores apparatus and equipment. Fire departments or incorporated fire companies may have more than one station house and multiple teams/companies of firefighters who operate their equipment and deliver services.

The individual firefighters who staff the fire departments may be paid or career firefighters (sometimes popularly referred to as professional firefighters), on-call/paid volunteers (on-call volunteers who are paid for emergency runs or who receive modest stipends to cover the expense of turnout equipment), or unpaid volunteers (who may be eligible for some benefits).³⁶ Most cities and larger or urban villages rely solely on career staff. Most independent fire companies use some combination of career (full-time paid) and volunteer (unpaid) personnel, although many (especially rural providers) rely exclusively on unpaid volunteers. Whether they are career (paid) or volunteer employees, all firefighters are subject to mandatory training and/or certification requirements and accrue significant on-the-job experience.³⁷ Thus, popular use of the term professional to distinguish career or paid firefighters from volunteer firefighters is misleading.

The complexity of fire protection services in New York State means that the map of fire protection varies from county to county and as do the number of districts (and fire companies or corporations servicing those districts). Particularly in suburban towns (adjacent to cities) or with multiple villages, the patchwork of fire protection creates substantial crowding or congestion of fire service delivery units. The proximity of companies and station houses does not always comport with the standards set by the National Fire Protection Association (NFPA) or the Insurance Service Office (ISO),

The congestion of fire departments and station houses is not the product of rational design but is the result of fire protection delivery being tied to an ossified local government structure.



The Village of Medina Fire Department. Photograph by Martin J. Anisman.

which provides rankings based on the efficient distribution of stations, equipment, and personnel that impacts insurance premiums for fire service providers. The congestion of fire departments and station houses is not the product of rational design but is the result of fire protection delivery being tied to an ossified local government structure.³⁸

The Complex Overlay of Shared/Contracted Services and Inter-Municipal Cooperation

While most people think of fire departments and companies as primarily responding to structure fires (fire suppression), fire protection includes a range of emergency and nonemergency services. When the legal and jurisdictional structure is overlaid with the web of mutual aid, shared service agreements, training, and communication arrangements for the range of services provided, the landscape of fire protection services becomes even more complex.

Among the various services that local fire departments may provide are:

- Emergency medical services (EMS/EMT, paramedic/first responders)
- Emergency transport/ambulance services
- Motor vehicle accident response and roadway safety
- Search and rescue activities (land and water)
- Home, business, and commercial apartment/building safety and fire safety inspections
- Smoke/carbon monoxide detector installation
- Community and school educational programming
- Hazardous material response
- Burn permitting
- Severe weather monitoring

Fire departments, in other words, do far more than fighting fires. Indeed, according to national-level data provided by the National Fire Protection Association, only 4 percent of fire calls in 2022 were related to fires and 8 percent of all calls were false alarms. Indeed, the number of structure fires has declined, in significant part due to fire prevention efforts, consumer product safety regulations, and enhanced fire safety standards in the construction of buildings and commercial properties. Instead, the majority of fire department calls—65 percent—are categorized as medical aid and rescue calls.³⁹

There is also a significant amount of joint service sharing that is authorized under General Municipal Law (GML). For example, GML provides for inter-municipal cooperation among fire protection units for a wide array of related activities:

- Arson investigation (GML, §91-a)
- Calls for assistance by local fire departments, companies, and airport crash-fire-rescue units (GML, §§209 and §209-a)
- Contracts for outside service by volunteer fire departments and companies and emergency rescue and first aid squads (GML, §§209-b and 209-d; Town Law, §§176(22), 184; Village Law, §4-412(3)(9); and County Law, §225-a)
- Relay of fire and emergency calls (GML, §209-p)
- Contracts between municipalities and fire districts for joint fire training (GML, §209-s)
- Contracts for joint fire alarm systems (GML, §209-t)

There is a culture of cooperation among fire departments that reflects the deep historical roots of firefighting as a volunteer neighborhood function (i.e., informal bucket brigades) rather than a municipal function. That spirit of volunteerism and community assistance is still reflected in the formal and informal mutual aid agreements that exist between jurisdictions and departments. This means that while fire districts and departments/companies are discrete entities, they are “functionally combined” through mutual aid or service agreements, often responding to the same incidents or providing backup assistance and equipment to other units or jurisdictions.



"Argyle NY Fire-Rescue Department Fire Engine at July 4th Parade" by Sarahhva58 is licensed under CC BY-SA 4.0, https://commons.wikimedia.org/wiki/File:Argyle_NY_Fire-Rescue_Department_Fire_Engine_at_July_4th_Parade.jpg.

II. The Case for Consolidation of Fire Protection Services

Nationally, the increased cost of fire protection services and the growth in the number of career firefighters relative to the diminished number of structural fires has prompted calls to reconsider the way in which fire protection services are provided at the local level. In short, reformers and tax payers question why the ranks of paid firefighters and costly equipment has risen if the number of serious structure fires has declined as a result of improved prevention and more stringent building codes. Critics also point to the over-deployment of personnel and equipment to respond to relatively minor incidents.⁴⁰ Thus, some reformers have suggested reimagining emergency service response so that police and/or fire departments are not dispatched to incidents where social workers or trained service units might better respond (and at a far reduced cost). Similar to more recent efforts to defund (or differently fund) the police,⁴¹ this reconceptualization would retain the fire services of the fire department but would use a risk-assessed response to avoid the dispatch of expensive fire apparatus and personnel to non-fire related calls.⁴¹

The consolidation or reconfiguration of service delivery is argued to produce multiple benefits, including:

- eliminating duplicative equipment expenditures;
- reducing operational and administrative costs (centralized billing and budgeting);
- more efficient deployment of equipment;
- greater transparency, centralized oversight, and quality control;
- improved coordination of communication, dispatch information, and mutual aid service;
- greater regional planning opportunities.

Such reforms tend to be opposed by fire service providers, their professional associations, and many residents. On the issue of combining fire, emergency, and police services, for example, the International Association of Fire Chiefs (IAFC) argues that the missions are distinctively different in training and expertise. They point to the difference between service (provided by fire and EMS) and enforcement (policing), and defend the deployment of fire companies against calls for smaller response units.⁴² Similarly, many residents express concern for the diminution of services or fear of limited or delayed responses to crisis situations.⁴³

Other reformers have advocated for municipalities relying less on career firefighters (the costs of which are exacerbated by union protections) and returning to staffing by volunteers.⁴⁴ The scarcity of volunteer firefighters (and the aging of current volunteers) poses a significant problem for recruiting volunteers, particularly in rural areas.⁴⁵ A 2002 study, using 1984–86 data from 306 New York State fire departments in communities with populations between 3,500 and 25,000, concluded that there was a point at which the cost of recruiting volunteers (due to scarcity) exceeded the cost of paid firefighters.⁴⁶ Yet, reliance on volunteer fire departments is not “free” and arguably ignores other “costs” of service provisions, including physical demands, risk of physical injury or death, and mental stress or traumatic experiences to which volunteer firefighters are exposed.⁴⁷

Concern over fire services in New York must also be understood against the backdrop of a growing property tax burden that has been linked to the proliferation of governmental entities by various study commissions and elected leaders. In 2008, the New York State Commission on Local Government Efficiency and Competitiveness (or the Lundine Commission) conducted a statewide review of municipal organization and service delivery, offering wide-ranging recommendations to promote cost savings through the consolidation and centralization of services. Among its recommendations were legal changes authorizing towns to provide fire protection as a municipal service—the argument being that shifting the authority to a larger geographic territory would encourage the streamlining and consolidation of fire protection services. The report further recommended that “the potential moving toward countywide management for fire protection and/or EMS should be reviewed in each county,” and encouraged the development of county plans (subject to voter approval) and the possible transfer of “paid (career) fire or EMS employers to the county at the option of the municipalities with paid or mostly paid staff.” Consolidation, in other words, was seen as a way of reducing overall costs and improving services. The Lundine Commission particularly noted the low levels of voter awareness and participation in the fire district elections and bonding referenda as problematic.

The view that New York’s property tax burden could be alleviated through local government reorganization was picked up and championed by Andrew Cuomo as the former attorney general (2007–10) and governor (2011–21). The basic argument driving state-level policies in support of municipal consolidation or dissolution during the Cuomo administration was that there are too many units of local government in New York and that taxpayer savings would materialize by consolidating or eliminating duplicative or unnecessary units of government. During his tenure in office, Cuomo would secure legislation to facilitate the consolidation and dissolution of local

governmental entities (including fire districts) and enact a variety of state programs to incentivize local reorganizations through state-funded studies and implementation grants and (in the case of town and village consolidations and dissolutions) through enhanced state assistance.

Pressures on Fire Protection Services in New York State

The provision of fire protection services is not just complex, it is expensive. An accurate accounting of the total revenues and expenditures of all the state’s fire service providers is difficult given the fragmentation of services and reporting requirements.⁴⁸ Fire districts (FDs) must submit annual financial reports to the Office of the State Comptroller (OSC), but municipal department costs are integrated into city/village budgets and fire protection districts (FPD) contract costs are included in town budgeting (in which revenue and expenditure information on multiple FDs and FPDs may be aggregated). Around 89 percent of fire district (FD) revenue is derived from real property tax assessments in 2020 (Figure 6). The town budget contract costs of fire protection districts (FPDs) are also primarily funded through tax assessment of properties within that district.

FIGURE 6. OSC Financial Data for Local Governments: Fire Districts, 2020



All local governments are under increasing fiscal stress—caught between the competing demand for services, concerns over rising property tax rates, and the budgetary pressure of New York State’s property tax cap. Fire departments face an array of pressures requiring them to make do with less, including: dwindling numbers of volunteers, an aging workforce, a shrinking tax base, growing expenditures, reduced revenues, and shifts in call volume and incident type, all of which were exacerbated by the COVID-19 pandemic. Especially in rural communities, “firefighters have been on the front lines of the pandemic, tackling wildfires and vehicle accidents even as they transport ill and injured residents to hospitals.”⁴⁹

III. The Legal Processes for Fire Service Consolidation and Dissolution: GML-17-A (The “Empowerment Act”)

The signature legislation that was championed by then Attorney General Andrew Cuomo and designed to facilitate local government reorganization was the New N.Y. Reorganization and Citizen Empowerment Act (or the Empowerment Act), which went into effect March 21, 2010. Codified as Article 17-A of the General Municipal Law, the Empowerment Act establishes a unified process for consolidating and dissolving local units and is applicable to towns, villages, fire districts, fire protection districts, and special improvement districts created under Town Law, Articles 11, 12, 12a, and 13.⁵⁰ The Empowerment Act *does not* apply to school districts, city districts, or special-purpose districts created under County Law. Mergers of local government units can be effectively achieved either through a consolidation (the merger of two or more existing units either into a single surviving entity or an entirely new legal entity) or a dissolution (the dissolving of a unit that requires an embracing or adjacent unit to take over services for that territory).

The Empowerment Act provides two pathways for consolidation or dissolution of municipal entities:

1. Citizen-initiated efforts
2. Board-initiated efforts

Citizen-initiated consolidations or dissolutions require the submission of a valid petition containing the signatures of at least 10 percent of registered voters of the district (20 percent for communities under 500 voters) or 5,000 signatures, whichever is less. The petition is submitted to the town clerk. Once verified, the town board (in the case of fire protection districts) or board of commissioners (in the case of fire districts) has 30 days to adopt a resolution to put the matter to a public vote (within 60–90 days of that resolution, subject also to public notice and timing requirements). When two or more units are being consolidated, the voters of each jurisdiction must approve the consolidation in separate referenda that can be no more than 20 days apart. If approved by the voters, the board is required to develop a formal consolidation or dissolution plan within 180 days. Public hearings are required prior to final approval of the board. Once a final plan is approved, residents have 45 days

in which to gather sufficient signatures (25 percent of registered voters or 15,000, whichever is less) to force a permissive referendum forcing a revote on the question. If no such petition is filed, the plan goes into effect. If the relevant board(s) fail to comply with timing or other requirements of the law, GML-17-A allows residents to commence Article 78 proceedings (a civil action to compel enforcement of the law). A citizen-initiated consolidation or dissolution of a fire district is thus identical to the processes for consolidating or dissolving a village. For fire districts, the change in the petition threshold under the Empowerment Act was significant. Previously, under Town Law, Sections 172, 172-b, and 185, such petitions required signatures of resident owners aggregating at least one-half of the taxable value of property in the district—a substantial threshold made even more cumbersome by the fact that fire districts are not coterminous to election districts and do not maintain separate voting rolls.

The board-initiated process is somewhat simpler. Consolidation may be initiated upon a resolution to adopt a joint consolidation agreement or dissolution plan, which is then subject to public notice and hearing requirements (held together or separately between 35 and 90 days from the commencement of the process). After public hearings, the board may amend, approve, or reject the plan. If amended, additional notice and hearings are required. If adopted, a final plan must be enacted within 180 days and goes into effect on the date specified in the plan.⁵¹ No voter referendum is required—a key difference in the Empowerment Act between village/town consolidations and fire/special district consolidations. Thus, in board-initiated efforts, final decision authority rests solely with the board (although they are obligated to follow public notice requirements and hold public hearings on the issue). As one observer noted, in responding to the Empowerment Act: “it is interesting that the fire service has focused [concerns] on the voter initiative [process] and county master plan aspects of this legislation as the main dangers to the maintenance of current structure.”⁵²

County Authority and Planning

Under GML, Article 17-A, consolidation or dissolution of a fire district may also be commenced by the county as part of county master planning. Counties already had the power to transfer functions among local government units. The Empowerment Act amended Municipal Home Rule Law, Section 33-a to allow the county board of supervisors or legislature to abolish units of government when their powers and functions are so transferred, subject to voter approval at referendum.

County governments have periodically conducted studies of fire protection services within their boundaries. For example, Erie County conducted a review of fire services in the aftermath of the Empowerment Act, noting the authority granted to counties and recommending additional study.⁵³ Although the report identified a case for consolidation, its recommendations ultimately encouraged towns and fire districts to consider shared services and operational agreements (sharing of equipment and cooperative agreements), as well as the functional consolidation of units. The revisions under the Empowerment Act created a new potential for county-level reform. Yet, the potential use of that authority is limited by the pushback of local governments and residents fearing change in or diminution of their current level of services.



Fire equipment in the Village of Medina Fire Department. Photo by Martin J. Anisman.

A 2017 essay in the *Fire District Affairs* newsletter advises fire districts and departments to keep abreast of such efforts and to make concerns known to their county legislators, while reminding them of their legal responsibilities under the Empowerment Act.⁵⁴ The article notes that in such planning, information on current fire protection services delivery resides in the hands of fire districts and departments, which have a legal obligation to make the information available for consolidation and dissolution purposes. It further reminds members that elected fire officials are forbidden by state law from using public resources to advocate on ballot measures, including the proposed consolidation or dissolution of their districts. The advice thus recognizes the dual position in which the Empowerment Act places elected officials who may have divided loyalties. Indeed, fire departments and companies, which operate as independent organizations, often resist reorganization or have locally driven concerns that differ from town-wide or county-level objectives. Fire officials are likely to resist forced consolidation or dissolution efforts, yet under the law have obligations to provide information to guide the public when such matters are put to a public vote.

The Fireman's Association of New York (FANY) registered opposition to the Empowerment Act, viewing it as a "genuine threat" to the delivery of fire and EMS services. While the goal of reducing taxes was laudable, they warned that the system rested on volunteerism and that responders, motivated by protecting the lives and property of their communities, "simply will not risk their lives and expend their time and energies to provide these services to communities other than their own" (Bill Jacket L 2009, Ch 74). They further feared that the provisions could be used as leverage in the negotiation of contracts and emphasized the high degree of sharing and cooperation already in place.

The Association of Fire Districts of the State of New York (AFDSNY) similarly objected, arguing that fire districts be exempted from the law. In their view, fire districts (FDs) were cost efficient relying heavily on volunteers and engaging in significant inter-municipal cooperation. The organization pointed to issues with the law: the lowered petition threshold, uncertainty of voting before a final plan is approved (in citizen-initiated processes), the lack of citizen input in board-initiated proceedings, and the higher signature threshold and time limit for signature gathering for forcing a permissive referendum (Bill Jacket L 2009, Ch 74).

IV. Consolidation of Fire Districts in New York State: A Limited Record of Success

Despite concerns that passage of the Empowerment Act would disrupt the current configuration of fire protection delivery in New York and facilitate a rash of citizen-initiated reorganization efforts, the impact of the law has been quite modest and primarily directed at the village form of government. Given the fragmentation of local government structures and fire protection delivery, this seems somewhat surprising. Moreover, in addition to easing the legal pathways for consolidation and dissolution efforts statewide, New York has offered financial incentives to localities through multiple programs funding both the study and implementation of local efficiency efforts. Yet, while often studied, municipal consolidation remains rare. And there have only been a handful of structural mergers of fire districts (FDs) or fire protection districts (FPDs) in recent decades.

[Table 3](#) summarizes Local Government Efficiency (LGE) awards related to fire district consolidation and fire protection.⁵⁵ LGE funded studies are typically conducted by independent consulting organizations and require a match from the locality (thus the contract fee for the study may exceed the grant award listed in [Table 3](#)). Most of these studies review the baseline of existing service delivery and consider a range of options from shared services (operational consolidation) to full, structural consolidation involving the consolidation and/or dissolution of fire districts. Such studies do not typically recommend a specific course of action but rather identify the potential savings and pitfalls of a range of alternative service delivery options. In this way, they serve as a preliminary to and the foundation for the final plans developed and approved by the appropriate governing board (subject to voter approval in the case of citizen-initiated fire district consolidations/dissolutions and for all town-village related consolidation and dissolution efforts).⁵⁶

[Table 3](#) does not include LGE grants for equipment and service sharing projects (such as shared fire tower, fleet maintenance, or fuel tank storage) or shared communication/dispatch services between emergency services (fire, police, EMS). It also excludes efficiency studies of municipal (city and village) fire departments and EMS consolidation studies, including several countywide-effort EMS studies (even though fire departments are frequently involved in or impacted by emergency medical service delivery).⁵⁷

TABLE 3. LGE/CREG Grants for Fire Protection Consolidation or Reorganization Study, 2005–19

Governmental Entity Awarded Funding	County	Purpose of LGE Grant/ Project Title	Award Year	Award Amount	Status/Outcome
Town of Johnstown	Fulton	Fire Protection Reorganization Feasibility Study	2019	\$50,000	Stalled—no formal study yet contracted.
Barnard Fire District	Monroe	The Future of Greece Fire District	2019	\$37,498	Stalled—study contracted and completed.
Ridge-Culver Fire District	Monroe	Irondequoit Fire Departments Consolidation Evaluation	2018	\$50,000	Consolidated—the Ridge-Culver and Laurelton Fire Districts in Monroe County, New York officially merged into a new consolidated entity, the Irondequoit Fire District.
Town of Schodack	Rensselaer	Fire District Consolidation Schodack	2017	\$35,000	Stalled—study contracted and completed.
Town of Corning	Steuben	Town of Corning Fire Protection Study	2016	\$50,000	Study contracted and completed. In 2019, the Corning Joint Fire District was incorporated, replacing fire services formerly contracted through the three villages and one fire district. The new joint town-village district is composed of the Town of Corning, the Village of South Corning Fire Department, the Village of North Corning Volunteer Fire Department, and the East Corning Fire Department, Inc. (an independent fire company). It is governed by a five-member board of commissioners.
Town of Victor	Ontario	Evaluation of Public Safety Services in the Town of Victor Review of EMS Fire Law Enforcement and Emergency Preparedness	2015	\$24,000	Consolidated—the Village of Victor Fire Department was dissolved, and a new joint town-village consolidated district created.
Lysander Fire District	Onondaga	Lysander Fire District, Towns of Lysander, and Van Buren Fire Service Consolidation Grant	2012	\$361,592	Consolidated—eliminated the Lysander Fire District (FD) and the Van Buren Fire Protection District to create the new North West FD, which is served by the Lysander Fire Corporation and Baldwinsville Fire Company (formerly serving the Van Buren FPD).
Hamlin Fire District	Monroe	Hamlin Morton Walker Fire District Consolidation Implementation	2011	\$321,595	Consolidated—the Town of Hamlin consolidated three fire districts (FDs) into one, merging the former Hamlin, Morton, and Walker Fire Districts into the Hamlin Morton Walker Fire District.
Town of Ramapo	Rockland	Joint Town-Village Fire District	2011	\$45,000	Study completed.
Village of Harriman	Orange	Town of Monroe Joint Fire District	2010	\$317,250	Consolidated—Monroe’s fire protection district (FPD) was dissolved in 2009. In 2011, the three fire companies serving the Town of Monroe (Mombasha Fire Company, Harriman Engine Company, and Lakeside Fire and Rescue Company) merged to create the Monroe Joint Fire District.
Town of Brighton	Monroe	Town of Brighton Fire and Emergency Services Study	2009	\$22,500	Consolidated—the West Brighton Fire Protection District was dissolved and the Henrietta Fire District boundaries were expanded, effective January 1, 2022.

TABLE 3. LGE/CREG Grants for Fire Protection Consolidation or Reorganization Study, 2005–19, cont.

Governmental Entity Awarded Funding	County	Purpose of LGE Grant/ Project Title	Award Year	Award Amount	Status/Outcome
Town of Brookhaven	Suffolk	Gordon Heights Fire District Dissolution Study	2009	\$45,000	Stalled/failed—two citizen-initiated efforts to force dissolution. Study completed—no action by town board, remains an independent fire district (pre-Empowerment Act).
Fairview Fire District	Dutchess	Feasibility Study of Potential Consolidation, Merger, or Cooperative Agreement	2009	\$45,000	Study completed.
Hamlin Fire District	Monroe	Hamlin-Morton-Walker Fire District Consolidation Study	2009	\$34,200	Consolidated—the Town of Hamlin consolidated three fire districts (FDs) into one, merging the former Hamlin, Morton, and Walker Fire Districts into the Hamlin Morton Walker Fire District.
City of Cohoes	Albany	Cooperation and/or Consolidation Study	2008	\$45,000	Study completed.
Town of Van Buren	Onondaga	Town of Van Buren, Village of Baldwinsville and Lakeside Fire District Fire and Emergency Medical Services Study	2008	\$13,470	Consolidated—Van Buren’s Southeastern Fire Protection District with Geddes’ Lakeside Fire District.
North Greenbush No. 1 Fire District	Rensselaer	Expansion of North Greenbush Fire Protection District No. 1	2007	\$23,256	Consolidation in progress. The Board of Commissioners for East Greenbush Fire District and the Schodack Center Fire District adopted a proposal for a joint consolidation agreement under GML-752 into a single district—East Greenbush.
County of Chemung	Chemung	A Feasibility Study to Examine Potentials for Increased Sharing of Firefighting Resources within Chemung County	2007	\$173,880	Study completed.
Village of East Hills	Nassau	Consolidation of Fire Departments: A Necessary Means to Avoid Waste, Duplication, and Overlapping Expense	2006	\$99,000	No study completed—OSC Open Book New York shows contract amount delivered at \$0.00—no official study located.
Total				\$2,060,318	

Other potential sources of state funding for fire service consolidation and efficiency efforts are the County-wide Shared Services Initiative (CWSSI), which launched in 2017, and the Municipal Restructuring Fund (MRF), launched in 2013. Under the CWSSI initiative, counties are tasked with establishing a panel of experts to develop a countywide plan to identify, propose, and implement plans to save taxpayer money through municipal sharing, coordination, and consolidation. The panel must consist of the chief executive officer of every city, town, and village in the county. The inclusion of fire district, fire protection, or special district representatives is optional. A review of 20 county plans, submitted in 2021, suggests that projects related to fire services

are typically modest in reach, focused primarily on service or equipment sharing. For example, the 2021 plan for Genesee County included shared fuel tanks for the Town of Bergen Highway Department and Fire Department, a \$9,000 savings. Nassau County proposed a project to coordinate and improve volunteer ambulance/EMS services, including those linked to fire districts. Oswego included the shared purchase of a mobile cascade unit (providing air supply for firefighting) and additional waterlines, adding new hydrants for the City of Fulton and the Town of Granby. Otsego County proposed an EMS investment impacting 18 municipalities. The MRF program was created to help reduce the local property tax burden by encouraging fiscally eligible (stressed) municipalities to undergo financial review by a municipal financial review board that may make recommendations, including consolidation and shared services, and to apply for state assistance in funding such studies and programs. A review of the MRF Priority Project List (for projects submitted through August 2017) includes several police consolidation efforts but no fire district consolidation or reorganization studies.

The last column of [Table 3](#) summarizes the best information available (as of this initial study) on the status or outcome of these state study grants. A brief synopsis of many of these cases follows below. Completion of a study does not impose any obligation for or time limit on subsequent actions by the relevant governing boards. In some cases, no subsequent action is taken and subsequent discussion is not well-illuminated through board meeting minutes. Even in cases that result in consolidation success, only some of the districts or departments addressed in the study may act on the findings, while others included in the study opt not to participate in reorganization. The actions taken may also be different from the options and recommendations offered by recent or even past studies. Media reporting is often spotty and imprecise, often conflating terminology (referring to both FDs and FPDs generically as fire districts or departments), such that it is difficult to determine what consolidation entailed. The numerous recombination possibilities further complicate the picture—that is, a reorganization might entail the consolidation of two or more fire districts (FDs) or fire departments, the consolidation of or replacement of fire districts (FDs) with fire protection district (FPDS), the dissolution of FDs or FPDs, the extension or dissolution of units, and/or the formation of joint fire districts. It is also important to note that consolidation and dissolution studies can also be taken without a grant from the state or even without the commissioning of a formal study, but can be undertaken by local study or action, making them harder to track reliably.⁵⁸ Indeed, the very first consolidation of fire districts, the Lonelyville and Fair Harbor Fire Districts (FDs) in Suffolk County, consolidated into the surviving Fair Harbor Fire District.⁵⁹ After years of talk between the adjacent districts, the boards of both FDs approved the merger by resolution.



Stalled Studies and Inaction

Indeed, consolidation is likely discussed far more frequently than the number of successful grant awards suggests. Without a precipitating event—or what the consolidation literature refers to as a power deflation—there may be inadequate impetus or support for moving consideration into formal action. As with village dissolution efforts, resistance on the part of the governing board or by fire service personnel and their public supporters can thwart efforts to consider a consolidation or dissolution. Moving forward to a formal study requires board support or citizen petition. Calling for additional study can also be used as an effective stalling or agenda-denial technique. Skeptics point to the need for more information or emphasize the time and costs as a way of delaying action to stymie momentum and/or extend discussion so as to bolster opposition. It may also be the case that the information provided by a study does not lend itself to a clear or easy recommended course of action and/or that support for the idea of consolidating dissipates once the study is completed.

In several of the cases summarized in [Table 3](#), a formal study was contracted and completed, yet no further action appears to have been taken. This includes the awards to the Barnard Fire District (2019) and the Town of Schodack (2017), both grants of which are still open. The Fairview Fire Department (2009) award resulted in a study by the Edwin G. Michaelian Institute for Public Policy and Management at Pace University. That report examined the feasibility of enhancing cooperation or of consolidating the services provided by the Fairview Fire District with one or more of the following fire districts (FDs): the City of Poughkeepsie (Fire Department), the Arlington Fire District, the Hyde Park Fire and Water District, the Roosevelt Fire District, and the Staatsburg Fire District. All remain as active independent fire districts (FDs) in the OSC database. The \$99,000 award granted to the Village of East Hills (2006) does not appear to have progressed beyond the application—a search of state databases (Open Book New York) shows that no funds were disbursed for that contract number.

Similarly, a study by MMA Consulting recommended the potential merger of the City of Cohoes (2008 grant award) and the City of Watervliet municipal fire departments, with an estimated savings of more than \$300,000—a move that would assist both cities with staying within the state’s then recently-enacted property tax cap. The proposal was dropped after meeting with substantial backlash, particularly from Watervliet residents and firefighters.⁶⁰ The County of Chemung (2007 award) also contracted with MMA Consulting for a comprehensive review and needs assessment that, despite findings of potential efficiencies and savings opportunities, resulted in no subsequent action.

In at least two of these cases, it is possible to discern that individual board members championed consolidation efforts, sometimes over the resistance of his or her colleagues. According to media reports, the purpose of the 2019 grant to the Town of Johnstown was to evaluate and approve communications between the town board and the fire departments serving the town. While the town supervisor advocated for the grant application, he publicly assured residents and firefighters that there “are no intentions to dissolve or consolidate any of the departments.”^{61, 62} In July 2021, a town board motion on a proposal to commission a consulting group to undertake the study (at a cost of \$75,000) was withdrawn following opposition and questions from fellow board members, expressing skepticism over the cost in light of fire department and residential resistance (Res. 2021-56). No further action or resolution to move forward with the hiring of consultants appears in the subsequent 2021 or 2022 minutes.

Spearheaded by the Town of Ramapo Councilman Daniel Friedman, the town applied for and received a 2011 grant to develop a plan for consolidating the Park Crest Fire Protection District, the West Spring Valley Fire District, and Spring Valley Fire District No. 1 into a joint Town of Ramapo/Village of Spring Valley Fire Department (Town of Ramapo Resolution No. 2013-530). The resulting study, contracted to CGR, concluded that “a new joint fire district ha[d] the potential to improve the quality of the equipment and response to the community through dedicated funding and enhanced operations.”⁶³ Despite the favorable findings, no further action appears to have been taken on the consolidation study and the town continues to award annual contracts to the Park Crest, West Spring, and Spring Valley Fire Departments serving those fire protection districts.

Citizen-lead efforts to consolidate (or dissolve) fire districts are less common. The Gordon Heights Fire District (GHFD) in Suffolk County was the subject of two citizen-initiated efforts in 2006 and 2008 (both pre-Empowerment Act). The GHFD serves the Hamlet of Gordon Heights and has a limited tax base of around 936 households, with no commercial properties that contributes to the high rate of taxation for its residents. The GHFD also has a notable history of diversity and the first fire district statewide to be established with a Black fire chief and firefighters in 1947. The fire district (FD) was incorporated after fire departments in neighboring communities failed to respond to a church fire in the community.⁶⁴

District taxes, among the highest on Long Island, prompted a coalition of residents to seek dissolution of the fire district under Town Law then in effect.⁶⁵ The first such petition was rejected by the town supervisor for failing to meet statutory requirements

for submission (formatting errors). In 2008, the petition was verified, spurring the town board into commissioning a \$91,000 study conducted by the Emergency Services Consulting International (ESCI) of Oregon. A hearing on the report met with significant public backlash from supporters of the GHFD and its firefighters. Ultimately, the town failed to act, leading supporters of the dissolution to reduce costs through the election of commissioners. The challenges faced by the petitioners and the recalcitrance of the town to act made the community one of the “poster children” for passage of the Empowerment Act.⁶⁶ Recall that under the Empowerment Act, the law was revised so that the submission of a valid citizen-initiated petition requires that a dissolution vote is held. If dissolution is approved by the voters at referendum, the governing board is required to develop a final dissolution plan (subject to permissive referendum only if a second petition is filed). Thus, the Empowerment Act now allows voters to compel dissolution through the citizen-initiated process.

Consolidation Success Stories

There have been a small number of consolidation successes. Of the 19 LGE/CREG grants awarded, eight have resulted in consolidation activity—although often less drastic in scope than that which was studied or contemplated as entities included within the scope of the study may have (by board vote) opted out further participation or did not pass a resolution in support of a consolidation agreement. There have also been cases in which independent fire companies have consolidated or a department has closed or combined station houses. Similarly, contracts may be canceled or issued to an alternative fire corporation that results in the consolidation or closure of a department. Although not tracked in this report, such consolidations or closures may reflect deliberate streamlining or efficiency efforts but do not reduce the number of governmental units (municipal fire departments, FDs or FDPs).

Ridge Culver Fire District (Monroe County)

In 2019, the Center for Governmental Research (CGR) performed a consolidation study for the five fire districts serving the Town of Irondequoit. Among the various options considered was maintaining the status quo, creating a single fire district, the creation of two fire districts, or the creation of multiple fire districts (including the merger of Ridge Culver and Laurelton). The adjacency and mutual aid agreements of Ridge Culver and Laurelton had led to multiple consolidation conversations over the years. Both districts relied on a blend of paid and volunteer firefighters and were confronting similar challenges with fewer volunteers, declining assessed property values, and an aging membership. In 2022, both fire district boards enacted resolutions to make the consolidation official. The creation of the new Irondequoit Fire District is anticipated to result in 5 percent reduction in the aggregate operational budgets of the former FDs (saving \$1.9 million in FYE 2023) and is anticipated to lower taxes for the residents of both former districts ([Table 4](#)). Other advantages identified included a larger combined fund balance, reduced insurance and liability costs, reduced personnel and administrative costs, and greater decision-making efficiency for the area served.

TABLE 4. Tax Rate Projections for the Ridge Culver and Laurelton Districts With and Without Consolidation

	Irondequoit Fire District (New Consolidated Entity)	Ridge Culver	Laurelton
Estimated Tax Rates (2023)	\$5.82	\$7.51	\$7.14

SOURCE: "Joint Consolidation Agreement: Ridge-Culver and Laurelton Fire District, Proposed Effective Date: May 16, 2022," Laurelton Volunteer Fire Association, Inc., accessed August 31, 2022, <https://www.laureltonfd.org/wp-content/uploads/Irondequoit-Fire-District-Joint-Consolidation-Agreement-with-Exhibits-Endorsed-03.30.2022.pdf>.

Town of Brighton (Monroe County)

Fire protection services for the West Brighton Fire Protection District (WBFPD) had been the subject of multiple studies in 1993, 2001, and 2002. In 2009, Brighton received an LGE grant from the state for additional study. The studies had flagged the rising costs, declining number of volunteers, and resulting dysfunction of the volunteer-based West Brighton Fire Department (WBFD). In 2011, when the town renegotiated with the WBFD, the contract stipulated that upon the contract's expiration, equipment and cash reserves of the department would transfer to the town.⁶⁷ The WBFD challenged the contract as invalid, setting off what would be a years-long legal dispute between the town and fire department over money and control of apparatus/access to the station house.

In 2012, the Town of Brighton terminated its contract with the WBFD as the primary services provider for the WBFPD (the protection district), opting instead to enter into an arrangement with the Rochester Fire Department (RFD). The arrangement added to the frictions with the WBFD, as volunteer firefighters, wishing to continue their service to their community, clashed with staffing of West Brighton station houses with full-time paid firefighters. In support the WBFD, citizens initiated a referendum to dissolve the WBFPD that was approved by a margin of 459-78 on August 28, 2012.⁶⁸ While the dissolution vote did not negate the contract with the RFD, it forced the town to reconsider fire protection services for the WBFPD. In February 2013, the town amended and approved a dissolution plan for the eventual dissolution of the WBFPD, with services being taken over by the adjacent Henrietta Fire District (HFD). However, implementation of the plan was stymied by the ongoing legal wrangling between the WBFD and the town, which only concluded in 2019 when the courts upheld the dissolution of the fire department under the Not-For-Profit Law.⁶⁹

The consolidation of the WBFPD and HFD was finally implemented effective January 1, 2022, by action of the town board (dissolving the West Brighton Fire Protection District) and by resolution of the board of the Henrietta Fire District (expanding the boundaries to include the area of the former protection district). The expansion and growth of the HFD necessitated the hiring of additional paid firefighters to service the area. The former West Brighton Fire Protection District Station 2 is now Henrietta Fire District Station 7.

Town of Corning (Steuben County)

The study for the Town of Corning was conducted by RFG Fire Rescue Consulting in 2017. The town had been served by contracting protection services from the municipal departments of three villages (Village of South Corning, North Corning, and East Corning) and the Gibson Fire District. The reorganization created the new joint town-village fire district, the Corning Joint Fire District (CJFD), uniting the three villages and town under the administration of a five-member board of fire commissioners and a unified command structure of a fire chief and two deputy chiefs. The board of commissioners of the Gibson Fire District (GFD) opted out of the merger and continues to serve areas of the town outside of the villages (CJFD's district). Arguments in favor of the consolidation included streamlining administration, reducing liability costs, and promoting shared services.⁷⁰

Town of Victor (Ontario County)

The Town of Victor had received a LGE grant in 2015 to fund a review of EMS and fire services in the village. Fire service protection was provided by the Village of Victor Municipal Fire Department, which covered the village as well as town-outside-of-village territory through the Victor Fire Protection District. The Fishers Fire District (operating out of two station houses) covered other areas of the town.

A proposal to create a joint town-village fire district was launched in 2017, attempting to build off the existing service sharing and joint purchase of equipment. The consolidation would have assisted in the recruitment of volunteers and equalized the tax assessments within the new district.⁷¹ In 2018, the board of commissioners of the Fishers Fire District voted against the merger, leaving the town and village in talks over a joint town-village fire district. While the town board and supervisor expressed support, the village board and residents (who would have faced higher taxes) remained skeptical. The dissolution of the Village of Victor Fire Department and creation of the joint district was put to a referendum and approved by village voters, 210–94.⁷²

Lysander Fire District (Onondaga County)

In 2013, after the completion of a study, the Lysander Fire District (LFD) and Van Buren Fire Protection District (FPD) were consolidated to create the new North West Fire District (NFD), which is served by the Lysander and Baldwinsville Fire Company (Baldwinsville formerly serving the Van Buren FPD). In so doing, the territory of the former Lysander Fire District (LFD) was expanded. The process was board-initiated and approved by both the LFD and the Town of Van Buren boards under GML-17-A (board-initiated), despite a very contentious public hearing on the proposal. In 2020, one of the original proponents and a commissioner of the former LFD expressed concern in 2020 that the five-person commission of the North West Fire District (NFD) consisted solely of Baldwinsville firefighters and residents. Moreover, he alleged that anticipated reduction in equipment and operational costs had not materialized. According to his editorial, taxes had continued to climb, and the Lysander Fire Department (an incorporated company) was on the verge of financial insolvency.⁷³

Hamlin Fire District (Monroe County)

In 2013, the Town of Hamlin (Monroe County) consolidated three fire districts (FDs) into one, merging the former Hamlin, Morton, and Walker Fire Districts into the Hamlin Morton Walker Fire District. The consolidation was undertaken following a study conducted by the Rochester-based consulting firm, the Center for Governmental Research (CGR). The three voluntary fire departments that contracted with the former districts were not, however, dissolved or consolidated—as incorporated fire companies, they each retain their own officers, conduct separate meetings, and engage in separate fundraising activities.⁷⁴ Follow-up reporting indicates that consolidation aided in necessary station house renovations, bolstered the recruitment and retention of volunteers, and inspired interest from neighboring fire districts.⁷⁵ In addition to the original study grant (2009), the Hamline Fire District was awarded \$321,595 to assist in the implementation of the merger and to maximize tax payer savings.

Village of Harriman (Orange County)

In 2011, the three fire companies serving the Town of Monroe (Mombasha Fire Company, Harriman Engine Company, and Lakeside Fire and Rescue Company) merged to create the Monroe Joint Fire District. The fire district is located within the Towns of Monroe and Woodbury and the Villages of Monroe and Harriman within Orange County, New York. It was established as a joint fire district by the towns and villages pursuant to Article 11 of the Town Law and is vested with such powers and has the responsibilities inherent in the operation of a fire district, including the adoption of rules and regulations to govern its affairs. It is governed by a five-member board of fire commissioners who are elected to five-year terms on a staggered basis.

Town of Van Buren (Onondaga County)

The 2009 study of fire protection in the Town of Van Buren was conducted by a Georgia-based firm, RFG Associates. The study noted that fire protection service delivery had been studied by Onondaga County in 2000 and by an advisory board in 2003. Yet, there had been little progress and a lack of action, leaving many of the problems identified in those earlier reviews unresolved. The Town of Buren had one fire district (FD), the Warners Fire District (WFD), served by the Warners Fire Department. The town also contracted with the Lakeside Fire District (LFD) in the neighboring Town of Geddes. There were, additionally, three fire protection districts (FPDs) in the town: the Northern Fire Protection District (NFPD), the Memphis Fire Protection District (MFPD), and Southeastern Fire Protection District (SFPD); served by four fire departments: the Baldwinsville Fire Department (serving the NFPD), the Memphis Fire Department (serving the MFPD), and the Lakeside Fire Department (serving the LFD in Geddes). In 2009, the SFPD and LFD in Geddes were consolidated. By eliminating the SFPD, residents could anticipate greater savings through the elimination of contracts and better long-term planning. They would also have a voice in voting for LFD commissioners. The merger was anticipated to give residents within the newly configured LFD a 40 percent reduction in their fire district taxes.⁷⁶



North Greenbush and Defreetsville (Rensselaer County)

Following the study conducted by an independent consultant (Edward R. Olmstead) in 2009 and multiyear discussions, the adjacent Defreetsville Fire Protection District (DFPD) and the North Greenbush Fire District No. 1 (NGFD) in Rensselaer County underwent a formal consolidation. It was achieved by the dissolution of the Defreetsville Fire District and the extension of the NGFD boundaries, which, as the remaining municipal entity, now provided services to the entire town. According to the Department of State, “residents covered by the former Defreetsville Fire Protection District saw significant tax savings,” while “those covered by North Greenbush Fire District No. 1 saw a slight increase in taxes, although at a rate lower than would have occurred without consolidation as the result of an expanded tax base.”⁷⁷ The annual cost savings was \$23,776 or a \$156 average decline for households in Defreetsville, and a \$22 increase for households in the formerly configured North Greenbush Fire District, according to the report. The consolidation process was reported as being relatively simple and straightforward (having taken place pre-Empowerment Act under Town Law), involving a public hearing and a joint resolution by the town board and the board of fire commissioners. A second Rensselaer County consolidation is currently in progress involving the Schodack Center Fire District (SCFD) and the East Greenbush Fire District No. 3 (EGFD No. 3) in the Town of East Greenbush in Rensselaer County. In April 2022, the board of commissioners for EGFD No. 3 and the SCFD each adopted a joint consolidation agreement to form a single fire district. The plan calls for the EGFD No. 3 to absorb the SCFD under GML, Section 752.⁷⁸

V. The Barriers to Consolidation: Why are Fire District Consolidations So Rare?

The number of fire protection service entities, the high level of cooperation and shared services already existing between them would seem to make this an area ripe for consolidation efforts. Indeed, there is both a confluence of mounting pressure and increased state-level incentives. Yet, while cooperation is common, the structural consolidation of fire services remains relatively rare. Drawing on lessons from consolidation literature more broadly, as well as from the study of village dissolution, this resistance is attributable to a number of factors.

1. The Complexity of Fire Protection Services

First, residents do not always understand the administration and organization of fire protection services. Participation in fire commissioner elections (the governing boards of independent fire districts) is generally dismal, in part, because these elections do not coincide with other municipal elections. Without widespread public awareness or understanding, citizens are less likely to petition for the consolidation of fire districts than they are for villages, for example. The number and variation in fire service jurisdictional entities, the often confusing and varied naming conventions, and the co-delivery of fire service with emergency medical response are difficult for residents to understand and untangle. The technical aspects of efficient and effective fire protection, familiarity with NFPA and ISO guidance, and the specifications of the appropriate apparatus for specific community needs, all require an expertise that most residents simply lack. In other words, citizens may be reticent to petition for or approve consolidation through the citizen-initiated pathways created under the Empowerment Act.

Moreover, unlike villages and towns, which are overlapping units of general-purpose governments (villages exist within towns and village residents remain part of the town, voting on town elections), fire services are provided by one level of government. Fire districts do not overlap each other or have shared authority over a common territory as towns and villages do—even though they operate in close proximity and often have mutual aid agreements that may result in shared response to an incident or call. Because fire districts and fire corporations (companies) have districts of primary (although not necessarily exclusive) coverage, residents likely do not perceive them as being duplicative in the same way as villages and towns. There are, however, frequently multiple fire districts or fire corporations operating within a town and sometimes only a part of a district may lie within any given town. As municipal entities, fire district boundaries too can become ossified. That is, even as residential and commercial development occurs unevenly around them and community demographics shift, the existing infrastructure becomes older or obsolete. The efficiency of station house location, for example, may diminish as the characteristics and population densities change, yet building new station houses or auxiliaries is costly or impractical. Moreover, as new municipalities (villages) or fire protection districts (FPDs) are created, there may be a proliferation or congestion of multiple jurisdictions and

service-providing entities resulting from discrete local choice rather than comprehensive design. For example, in many areas, especially suburban towns or those with multiple villages, the configuration of fire services may not comport with best practice standards that are set by the National Fire Protection Safety Association (NFPA) and which impact ISO ratings. Again, this is because the number and locations are the product of municipal development in which some municipalities are obligated to provide fire service as a municipal function (cities and villages) and others (towns and counties) are restricted from providing it as a municipal function or on a town-wide basis.

There is, in other words, a cultural dimension and a psychological attachment to fire protection as a local service under local control.

2. Localism in the Provision of Critical Services

Fire protection services traditionally have been highly localized. Simply put, fire protection is a critical service that must be supplied to the residents and properties of a given territory. There is a maximum geographical scope (in terms of territory, population density, and response time) that correlates to an effective delivery of services (sufficient personnel and equipment) to meet local needs. Residents often resist consolidation over fear of diminished services from a larger, more geographically distant service provider. There is, in other words, *a cultural dimension and a psychological attachment to fire protection as a local service under local control*. Fire departments and their personnel are regarded both as community symbols and local heroes. They are integral to community rituals and traditions.⁷⁹ As such, efforts to reconfigure the existing structure is often perceived as a personal attack on the men and women of the local fire department or even an attack against the community itself—its identity and traditions. And, because fire service leaders and personnel are often opposed to efforts to eliminate or consolidate their district, department, or station house, their voices may hold particular influence in the public debate.

The degree to which residents are psychologically attached to their local police and fire service providers is evident, for example, in the lessons from village government dissolution. When villages that maintained municipal fire departments dissolve, the property and affairs of the former village transfer to the town (or towns), which are not authorized to provide fire protection as a municipal function. While the continuation of fire services will be addressed through a dissolution study and final dissolution plan, the implementation of such plans remain at the town's discretion and there is no legal obligation for the town to follow the plan. Continuation of protection for the former village falls to the embracing town (or towns), a new fire district (FD) or fire protection district (FPD).

Even in those cases where the village contracted out those services, new contracts or a reconfiguration of contracted services by the town may be required. The creation of a new fire district, or the consolidation of existing districts, can result in the closing or relocation of a fire station/house and impact the availability of volunteer membership.



Territoriality and rivalries sometimes develop between departments or companies operating within a district or town, and/or in the competition for contracts. These are not just operational relationships but represent personal relationships between and among fire service providing entities. In some communities the jurisdictional administration of fire services creates the proverbial little kingdoms of power in which some may seek to maintain the status quo, while others may seek to disrupt it based on economic self-interest and political control. Indeed, in the study of village dissolution, disputes over fire services, the purchase of fire equipment, fire chief selection, and personal animosity among fire departments or companies can sometimes lead to efforts to create or dissolve villages (and thereby impact control over fire services through the creation or elimination of a village fire department or change in contracting of fire protection services⁸⁰).

Efforts to dissolve villages that maintain their own municipal (village) fire and police services tend to be more contentious and more likely to be defeated.⁸¹ In multiple cases, even where dissolution studies or plans project a potential tax savings for residents of the former village, opponents highlight the uncertain impact on critical services and stoke fear over the possible diminution of services, including longer response times and less personalized emergency services. One of the most powerful forces favoring the status quo is the uncertainty created by any alteration of the existing service delivery arrangements. Residents fear the diminution of services under a new and therefore unknown configuration. When those services include emergency police and fire protection, residents respond as though any alteration is a matter of life and death even though, by definition, such critical services as policing and fire protection must be accommodated for the very reason that they are critical and must be provided.

3. State Level-Policy Impediments

Despite state policy efforts to encourage local government reorganization, the existing legal framework makes significant reform difficult if not impossible. From the local perspective, state-level policies create unnecessary pressures on local governments. The lack of authority for towns and counties to provide fire protection services on a town-wide or countywide basis, for example, has been cited as a major impediment to a more rational delivery of fire services, with larger efficiencies of scale, and more long-term and regional planning. Allowing towns to provide fire protection as a municipal function would pave the way for eliminating some of the more than 1,600 fire and fire protection districts. State limitations on town negotiation of long-term contracts with fire districts and incorporated fire companies has also been cited as a barrier to long-term planning, equipment sharing, and capital projects.⁸²

As noted, the merger of governmental units can be effectively achieved either through a consolidation (merger of two or more units) or a dissolution (dissolving of one unit with a transfer of functions and property to an adjacent or embracing jurisdiction). A criticism in village dissolution is that dissolving a village increases the number of governing units insofar as special districts may need to be created to take over the functions of the former village, as well as to discharge the debt of the former village (through the creation of a legacy district). Similarly, dissolving fire districts or fire protection districts may require the formation of new entities, since towns currently cannot provide this service on a town-wide basis and—even if they did—would likely have to create fire protection taxing districts to allocate assessments based on residential need and usage of such services, as well as to accommodate the current locations of fire stations and fire houses (a significant investment of fixed infrastructure).

As an example, in 2014, residents in the Town of Champion (Jefferson County) used the Empowerment Act to initiate the dissolution of the Town of Champion Fire Protection District (CFPD), which provided fire protection services to most of the town through contracts with three separate fire departments (the Village of Carthage and Copenhagen Fire Departments and the Champion Volunteer Fire Department). A successful petition led to a dissolution vote in 2014, approved at the polls.⁸³ Pursuant to the Empowerment Act, a final dissolution plan created two new FPDs (FPD No. 1 contracted to the Village of West Carthage Fire Department and FPD No. 2 contracted to the Village of Carthage Fire Department). The Champion town board approved the dissolution plan via board resolution. An effort to gather sufficient signatures to force a permissive referendum (a revote on the plan) failed, meaning that the final plan went into effect.

Five town residents filed an Article 78 motion to challenge the dissolution plan, arguing that the substitution of the old CFPD with two new FPDs did not “dissolve” the old district but merely divided it into two special districts.⁸⁴ In their view, this was anathema to the overarching purpose of the Empowerment Act, which was to *reduce* not increase the number of governmental entities. In *Matter of Waite v. Town of Champion*, New York’s high court ruled that “the Town Board’s decision to deliver the services formerly provided by the CFPD by creating two FPDs was a proper

exercise of its municipal authority to choose between an FPD and an FD.” Although the new FPDs were coterminous with the former CFPD, the court found the districts functionally distinct with new contracts that disaggregated the costs (assessments would be equal within each of the new FPDs but need not be identical for FPD No. 1 and No. 2). The court was equally dismissive of the argument that the purpose of the Empowerment Act was to *reduce not increase* the number of governing entities, pointing out that the law provided merely a process not a specified outcome.⁸⁵ The court held that dissatisfied residents had the remedy of using its provisions to petition for the dissolution of the new FPDs and petitioning for the creation of a FD.

4. Local Control and the Political Infeasibility of Significant Reform

The reorganization of fire protection services thus adheres to the same story of “local control” or local resistance that stymies most local government reform and consolidation efforts. States can use a variety of means to encourage residents to initiate or support the consolidation or dissolution of local units, including financial incentives, yet without the ability to mandate reform, the status quo persists. New York does not authorize forced consolidation or dissolution of municipalities or special districts.⁸⁶

One of the purposes of the Empowerment Act was to make it easier for citizens to force consolidation and dissolution efforts to the ballot. But, whereas citizen-initiated efforts are common in the effort to dissolve villages, they have been rarely used in fire district consolidation.⁸⁷ This is likely because the provision of fire services is so complex and opaque to most residents, and because the general uncertainty that pervades almost any reorganization effort is even more amplified when the delivery arrangements under review involve critical emergency services. Residents are neither sufficiently versed in the technical requirements of fire protection delivery nor willing to risk change.

As with village dissolution, when elected leaders (town board or fire district board of commissioners) are supportive and invested in reorganization, success is much more likely. In many cases, consolidation success is the organic culmination of multiyear discussions and prolonged consideration. In other words, where there is political will to consolidate or dissolve, the law provides a ready pathway. Indeed, in fire district consolidations and dissolutions, action of the board(s) is all that is required. The public may weigh in at the required hearings but do not have a vote at referendum. Still, consensus of the board is not easily achieved and the cases confirm that (as with village dissolution) it often takes a policy entrepreneur—an individual member of the governing body particularly interested in or willing to push consolidation or dissolution onto the policy agenda by championing a study or motion to initiate the process. As is evident from the cases, consolidation efforts often proceed in fits and starts, and only rarely result in significant structural change.

While county officials have a pathway to initiate reform under the Empowerment Act, their ability to transfer functions and eliminate whole units of local governments is, as of yet, unutilized, probably due political infeasibility and anticipated pushback for those local governments. There is, in New York, a strong spirit of localism and a history of local control (resting on ideas of home rule) that impedes both the county and state government from exercising their legal authority to alter the structures of local government. Yet, without the exercise of authority by the county or the state, significant local government reorganization simply is not likely to occur. Overhauling the structure would require a deluge of action, rather than just a handful of consolidation successes. The state-level policies undertaken so far represent only a mere trickle of change and are not sufficient to significantly alter the status quo of the current structure of fire production services. Without a statewide study and mandated reform, the landscape of fire protection services continues to be complex, fragmented, and costly.

"House fire on Winspear Avenue in Buffalo, NY" by Stormingorman17 is licensed under CC BY-SA 4.0, https://commons.wikimedia.org/wiki/File:House_Fire.jpg.



ENDNOTES

- 1 “Legal Notice: Notice of Public Hearing,” Ridge-Culver Fire District, accessed August 30, 2022, <https://www.ridgeculverfire.com/content/notices/Notice%20of%20Public%20Hearing%20-%2004.15.20221.pdf>.
- 2 In 2011, the Lonelyville and Fair Harbor Fire Districts (Suffolk County) consolidated into the surviving Fair Harbor Fire District (Timothy Bolger, “Local Fire District Consolidation a First in NY,” *Long Island Press*, May 26, 2011, <http://archive.longislandpress.com/2011/05/26/local-fire-district-consolidation-a-first-in-ny/>). In so doing, they were the first fire districts consolidated under the New N.Y. Citizen Reorganization and Empowerment Act, which went into effect March 21, 2010, as General Municipal Law (GML), Article 17-A. As in Irondequoit, that consolidation was a board-initiated effort.
- 3 “Two Irondequoit fire districts become first-ever to merge in New York State.” *Finger Lakes News*, May 20, 2022, <https://www.fingerlakes1.com/2022/05/20/two-irondequoit-fire-districts-become-first-ever-to-merge-in-new-york-state/>.
- 4 Note that because of the similarity of terms the abbreviations FD (independent fire district) and FPD (fire protection district) are added throughout the report to help the reader differentiate which entity is being referenced.
- 5 Reliance on spontaneous and informal cooperation (i.e., so-called bucket brigades) to respond to fire in rural and sparsely populated areas reinforced the development of independent fire corporations (or companies) as associations of firefighters to provide service to areas lacking a municipal (city or village) department. While incorporation creates a formal legal structure, complete with reporting and fiduciary responsibilities, the underlying spirit of fire companies as private associations continues in the recruitment of members for voluntary, community-based service.
- 6 The creation of new fire districts must be outside of the territory of a city or village. However, under Town Law, Article 11, §170-4, when a village is incorporated after the creation of a fire district (that contains territory outside of a village and at least 50 percent of the village), the fire district may be extended to include the village after a public hearing and upon the petition of the village board and the board of fire commissioners of such fire district, subject to permissive referendum.
- 7 Per a 1911 opinion of the New York State attorney general, an unincorporated fire company may exist as a branch of an incorporated fire company established under Village Law. Such an association could hold property (real and personal) in the name of the individual members. However, insofar as individual membership changes (through discontinuity or death), the opinion recommended associations holding substantial property be legally incorporated so as to establish an independent legal identity (Op. Atty-Gen 1911, 365-366).
- 8 Fire alarm districts are primarily created to finance and maintain fire alarm systems, but town boards may contract fire protection services for such districts in the same way as for fire protection districts. Thus, for purposes of this report, fire alarm districts are grouped with fire protection districts (FPDs) as similar in operation when used for the contracting of fire protection services.
- 9 County charters may also grant or impose related duties on county fire advisory boards and coordinators (sometimes called commissioners), including the authority to conduct studies for the improvement of service delivery, or to recommend county ordinances or standardize equipment or fire prevention building and enforcement rules. Similarly, by local law, ordinance, or county code, the county legislature or county executive (through executive order) may impose duties or powers consistent with both New York State law and the county’s charter authority.
- 10 In several counties (Allegany, Cattaraugus Chenango, Jefferson, Lewis, Livingston, Schoharie, Tioga, and Washington), information on the fire advisory board, such as meetings and membership, is not linked on the county website but there are occasional media mentions of their existence. In a few counties (Albany, Madison, and Tompkins), there are combined advisory boards (i.e., fire is included along with emergency management or public safety).

- 11 The role of the state in basic fire service delivery is similarly limited to coordination and the regulation of technical standards, or fire codes. Since 1984, New York has also had a Uniform Fire Prevention and Building Code that supersedes local code and code enforcement outside of New York City. These standards are set by a 17-person state council. The uniform code is enforced by localities (sometimes as a shared service between municipal units). Localities may adopt more stringent code standards with state approval. Where localities “opt out” of such enforcement, those enforcement responsibilities will transfer to the county (Executive Law § 381). *See Administration and Enforcement of the Uniform Fire Prevention and Building Code and the State Energy Conservation Construction Code: James A. Coon Local Government Technical Series* (Albany, NY: New York State Division of Local Government Services, 2022), <https://dos.ny.gov/system/files/documents/2022/07/administration-and-enforcement-of-the-uniform-code-2111.pdf>.
- 12 In insurance law, “foreign insurer” generally refers to any insurer domiciled in the United States but outside the state in which the insurance policy is written. An “alien insurer” is one which is domiciled under the laws of a country outside of the jurisdiction. New York defines an “alien insurer” as “any insurer incorporated or organized under the laws of any foreign nation, or of any province or territory not included under the definition of foreign insurer.” N.Y. Ins. Law, § 107(a) (5).
- 13 There are separate rules for the cities of New York and Buffalo. *See* Ins. Law, §§ 9104(a), 9105(d) (2)(A).
- 14 “Local Government Entities by Class: Regional Map,” Local Government Entities.xls, Fire Districts tab, New York Office of the State Comptroller, accessed August 30, 2022, <http://www1.osc.state.ny.us/localgov/web-entity-map/entity-map.cfm>.
- 15 Town Law, Article 11 governs the creation of fire districts (FDs). The process can be initiated by a motion of the town board or else by a petition of residents who, in combination, own more than 50 percent of the assessed value of the real property located within the proposed district. The proposal requires an official survey map of the district’s boundaries and environmental impact study (compliant with State Environmental Quality Review Act), as well as presentation at public hearing after which the town board must determine its creation is in the “public interest.” If approved by resolution of the town board, the proposal must be forwarded to the Office of the State Comptroller (OSC) for approval and is subject to a 15-day objection period by the county board of supervisors or county legislature. If approved by the OSC as in the public interest, final approval by the town board through resolution is required as is the appointment of five fire district commissioners and treasurer (a nonvoting member of the board) until elections for commissioners can be held.
- 16 Fire districts (FDs) and departments may purchase equipment or construct fire stations through bonds or capital reserve funding subject to voter referendum. The New York State Local Finance Law limits the power of the fire district (and other municipalities and district corporations) to issue obligations and contract indebtedness. Under Local Finance Law, the issuance of bonds or notes must be adopted by a bond resolution approved by a vote of at least three-fifths of the entire membership of the board of fire commissioners. Such resolutions are subject to referendum at either the annual or a special fire district election.
- 17 Town Law, §176(18) specifies expenditure limitations for fire districts (FDs) and those expenditures which may be adopted without a voter proposition. Fire districts have the power to contract indebtedness for any purpose authorized by the state legislature so long as the aggregate principal amount thereof shall not exceed 3 percent off the full valuation of taxable real property of the fire district, except as otherwise provided by the local finance law, and subject to certain enumerated exclusions and deductions, such as cash or appropriations for principal of debt. The 3 percent limit may be exceeded if the proposition is approved at referendum by a two-thirds vote of the qualified voters of the fire district and if the state comptroller consents. New York’s property tax cap, introduced in 2011 and made permanent in 2019, applies to local municipalities (including FDs) and limits increases in the annual tax levy to 2 percent or the rate of inflation (whichever is less) with some exclusions of expenditures. The fire district (FD) board of commissioners may override the cap by a resolution supported by at least 60 percent support of the board. Fire protection districts’ (FPDs) levies are included in the towns’ tax levy limit.
- 18 Fire district commissioners are volunteer positions and do not receive a salary or compensation, although a commissioner acting as secretary of the fire district may be compensated (Town Law, §174-3). Their powers and duties are specified in Town Law, §176.

- 19 There are six “blended” fire districts in New York State. These are fire districts that have the town board as their fire commissioners and therefore are not counted as separate entities (and are not subject to a separate property tax cap).
- 20 A town board may contract with a city, village, fire district, or incorporated fire company for fire protection in a fire protection district (Town Law, §184). Alternatively, towns may purchase equipment to be operated and maintained by the fire service provider with which they have contracted. Similarly, when a town has contracted with an independent fire corporation, “the respective *county* may acquire by gift or purchase suitable apparatus and appliances for use in such district and in conjunction with the county mutual aid program and may contract with said incorporated fire company for operation, maintenance, and repair of same and for the furnishing of fire protection in such district” (County Law, § 225-a, emphasis added).
- 21 The board of fire commissioners may contract for fire district purposes (Town Law, §176), for a fire alarm system, or for fire protection in a fire alarm district (Town Law, §183). Proposed budgets are subject to public notice and hearing requirements. The fire district treasurer is the budget officer who prepares a proposed budget. The FD’s board of commissioners reviews the proposed budget and makes such changes, alterations, and revisions as it shall consider advisable, a copy of which is sent to the county to levy taxes. Town boards or budget officers cannot make changes to the budget. In the case of joint village-town fire districts, certified copies of the FD’s budget are additionally sent to the village(s). Town Law, §181-a(4) controls the methods through which a FD board of commissioners may make modifications to the budget. All independent FDs are required to file annual financial reports to the New York State Office of the Comptroller (OSC) and are subject to OSC audit.
- 22 “Local Government Entities by Class: Regional Map,” Local Government Entities.xls, Town Special Districts tab.
- 23 The AFDSNY (2018) explains the relative advantages and disadvantages of creating a fire district versus a fire protection district. As noted, fire districts are separate municipal entities. Creating a FD removes the levy from the town (or village) budget and property tax cap, establishing an independent budget that is separated from town/village politics. FDs are also subject to OSC review and auditing (and thus can be seen as more transparent). Fire district taxes will also be equalized across the district (all residents pay the same rate). The contracts with the providers (independent fire companies) are typically negotiated for longer periods (not to exceed five years) allowing for more long-range planning and under the direction of a board of commissioners, directly elected by the residents, and singularly focused on the delivery of fire protection. Fire protection districts (FPDs) are geographical districts within a town and remain under the control of the town board, which can negotiate or amend the budget and typically negotiates contracts with service providers annually. Thus, FPDs give town officials a greater control and the ability to differently assess properties within the FPD based on usage/operational cost differences.
- 24 The town board may also contract with a city, village, fire district, or incorporated fire company for fire protection in a fire protection district (Town Law, §184). Alternatively, towns may purchase equipment to be operated and maintained by the fire service provider with which they have contracted. Similarly, when a town has contracted with an independent fire corporation, “the respective *county* may acquire by gift or purchase suitable apparatus and appliances for use in such district and in conjunction with the county mutual aid program and may contract with said incorporated fire company for operation, maintenance, and repair of same and for the furnishing of fire protection in such district” (County Law, § 225-a, emphasis added).
- 25 L. 2017 Ch 294 requires that incorporated fire companies provide a statement of itemized costs of services and any required IRS statements required under Not-For-Profit Corporate Law (which varies depending on revenues of the corporation). The law’s passage was encouraged by the OSC, which had “received a number of inquiries from local governments which have had difficulty in eliciting cost information from the fire company.” The purpose of the legislation was to “help promote a more transparent negotiation process that can better result in the parties to the contract reaching a fair and equitable price for fire protection services” (Legislative Memo, Assembly Bill 07089, 2017). As part of their contract, independent not-for-profit fire companies are required to carry liability and blanket accident and health insurance (New York Insurance Law, §4237).

- 26 The Town of Amherst also includes five specialized fire districts (Autumn Harvest, Lamm Post, Lehn-Spring, Mill, and Park Club), the collective levies for which totaled \$122,739 for 2021. The total levy for the county (inclusive of all town fire districts and fire protection districts and excluding the portion of the Williamsville budget under village control) was \$9,255,759, a .92 percent increase over 2021 levies. Recall that towns and fire districts are subject to the property tax cap.
- 27 Stephen T. Watson, "North Amherst residents cry foul over town's uneven fire district taxation," *Buffalo News*, February 10, 2018, https://buffalonews.com/news/local/north-amherst-residents-cry-foul-over-towns-uneven-fire-district-taxation/article_b3b56a57-6fb3-58ce-a492-86cf8b422c64.html.
- 28 The process for the creation of a joint town-village fire district at the initiation of the town and village boards requires notice and public hearings, as well as a waiting period in which residents may force a permissive referendum. Once created they are governed by a board of commissioners (composed of three to seven members, but usually five) who may be appointed or elected (as determined by the joint town and village resolutions establishing the district). Where existing fire districts have been dissolved in the creation of a new joint district, their property and equipment may be sold or transferred to the new district.
- 29 Under GML §100, the term fire company includes any volunteer company of a county, city, town, village, or fire district (whether or not incorporated); volunteer not-for-profit corporations incorporated under Not-For-Profit Law 1402; volunteer companies incorporated by or established pursuant to the provisions of general law or special law that is under the control of or recognized as a fire corporation "by, the governing board of a city, town, village, fire district or a district corporation other than a fire district."
- 30 Not-for-profit corporations are comprised of a group of individuals who enter into an agreement of legal incorporation. They are voluntary (private) associations, incorporated to accomplish a purpose that is related to social impact and civic purposes rather than profit. Legal incorporation gives the organization a separate entity, or perpetual existence, limited legal liability, and ability to maintain property or assets in the incorporation's name.
- 31 Because they are not an independent municipal entity, volunteer firefighters who are contracted to service a FPD are considered as employees of the town: "Thus, the creation of the fire protection district means that the members of the fire company 'are deemed . . . employees'" of the town, and the town is liable for any negligence on the part of Walder (Thygesen, 106 AD3d at 1460; see Miller, 237 AD2d at 696).
- 32 All incorporated fire companies are subject to statutory reporting requirements. Fire companies that contract with municipalities (villages or independent fire districts) that have revenues over \$300,000 are subject to independent auditing requirements.
- 33 Fire service nomenclature is further complicated because the names adopted by volunteer fire corporations often use the terms "department" or "fire company" interchangeably. Larger departments may incorporate apparatus handling or specialty teams (i.e., hook and ladder, hose, or rescue teams). Additionally, many independent fire corporations include area place names into their titles that may cause them to be confused for municipal departments (village and city or even towns—although towns do not directly provide fire protection as a municipal service). Similarly, the leadership structure terms (commissioners, chiefs, commander, or captain), the territorial response divisions (districts, zones, or regions), and the groupings of responding companies (battalions, brigades) may differ across jurisdictional units. In short, there is no uniform consistency in naming conventions, which makes understanding fire services statewide more confusing for the average resident or layperson.
- 34 "Local Government Entities by Class: Regional Map," Local Government Entities.xls, Fire Companies and Departments tab, <http://www1.osc.state.ny.us/localgov/web-entity-map/entity-map.cfm>.
- 35 The use of the terms "company" or "companies" to denote organized teams of firefighters within departments can be confused with reference to an independent fire corporation (frequently referred to as a fire company or a fire department).

- 36 Volunteer firefighters are covered by workers compensation benefits similar to paid employees that provide disability or death benefits as a result of injuries sustained in the line of duty (Volunteer Firefighters Law, Article 1). Additionally, the state allows municipalities and fire districts (FDs) to participate in the Length of Service Award Program (LOSAP) to award pension-like benefits based on years of service (or credits).
- 37 A 2021 report found that, nationally, 42 percent of volunteer firefighters have more than 10 years experience; 64 percent have more than five years (Rita Fahy, Ben Everts, and Gary P. Stein, *US Fire Department Profile 2019* (Quincy, MA: National Fire Protection Association, 2021), 4, <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Emergency-responders/osfdprofile.pdf>).
- 38 The National Fire Protection Association (NFPA) establishes best practice technical standards for personnel deployment and response times to fires and medical emergencies: NFPA 1710 is designed primarily for communities with career or paid firefighters; while NFPA 1720 is designed primarily for communities with volunteer firefighters. The Insurance Service Office (ISO) provides fire protection ratings for insurance providers that are based on communication capacity, equipment, training, and location, as well as water supply and distribution. The rankings impact liability insurance and fire insurance premiums paid by property owners.
- 39 *Fire Service in the United States: Trend Tables* (Quincy, MA: National Fire Protection Association, NFPA Research, March 2022), <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Emergency-responders/osFireServiceTrendTables.pdf>.
- 40 Joseph Stromberg, "Firefighters do a lot less firefighting than they used to. Here's what they do instead," *Vox*, February 27, 2015, <https://www.vox.com/2014/10/30/7079547/fire-firefighter-decline-medical>.
- 41 Phil Keisling, "Why We Need to Take the 'Fire' Out of 'Fire Department,'" *Governing*, June 26, 2015, <https://www.governing.com/archive/col-fire-departments-rethink-delivery-emergency-medical-services.html>. Alana Semuels, "As Wildfires Burn, Are U.S. Cities Spending Too Much on Their Fire Departments?," *Time*, September 14, 2021, <https://time.com/6097414/wildfires-firefighters-spending/>.
- 42 "Position Statement: Consolidation of Fire/Emergency and Law Enforcement Departments and the Creation of Public Safety Officers," International Association of Fire Chiefs, January 23, 2009, https://www.iafc.org/docs/default-source/lassoc/iafcposition-consolidationandpso.pdf?sfvrsn=4d0dd80d_0&download=true.
- 43 While joint communications and dispatch are a common shared service for police, fire, and emergency medical services (both for cost-savings and for efficiency in incident response purposes), similar innovations here too have come under scrutiny. For example, the use of software designed to assist dispatchers in prioritizing and matching calls with the minimal targeted response necessary has come under criticism for lengthening response times or failing to send adequate personnel and/or equipment for incident management ("Callers find it is taking longer to get emergency services in Portland, Ore.," *National Public Radio, NPR Morning Edition*, May 25, 2022, <https://www.npr.org/2022/05/25/1101155355/callers-find-it-is-taking-longer-to-get-emergency-services-in-portland-ore>).
- 44 Fred S. McChesey, "Fewer fires, so why are there far more firefighters?," *Washington Post Opinions*, September 4, 2015, https://www.washingtonpost.com/opinions/2015/09/04/05316abe-517c-11e5-933e-7d06c647a395_story.html.
- 45 Frank Morris, "Calls to volunteer fire departments are at a high but they have few first responders," *National Public Radio*, February 3, 2022, <https://www.npr.org/2022/02/03/1077383009/calls-volunteer-fire-departments-few-first-responders>.
- 46 Jeffrey L. Brudney and William D. Duncombe, "An Economic Evaluation of Paid, Volunteer, and Mixed Staffing Options for Public Services," *Public Administration Review* 52, 5 (1992): 474-81, <https://www.jstor.org/stable/976807>.

- 47 *Setting the Record Straight: The Real Facts About a Professional Fire Service—The Provision Of Fire Services In New York State: Myths And Issues Involving The Replacement Of Professional Firefighters With Volunteers* (Albany: New York State Professional Firefighters Association, 2015), <http://www.nyspffa.org/main/wp-content/uploads/2016/02/Myth-of-the-free-fire-service-2015.pdf>. Aallyah Wright, “Pandemic Adds Stress to Already Strained Rural Fire Departments,” *Stateline*, November 9, 2021, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/11/09/pandemic-adds-stress-to-already-strained-rural-fire-departments>.
- 48 Independent fire corporations are required to file statements with the IRS and with the OSC when they exceed set revenue amounts. The interweaving of ambulance and emergency medical services provided by fire departments further complicates efforts to get an accurate picture of statewide expenditures across all fire protection service jurisdictions and entities. As the New York Fire Professional Firefighters Association (NYSPFA) states it: “the bottom line is that the total amount of spending by volunteer fire departments [serving fire protection districts] in New York State is not currently known.... However, the available data show that it is significant, very likely in excess of \$1 billion annually” (*Setting the Record Straight: The Real Facts About a Professional Fire Service—The Provision Of Fire Services In New York State: Myths And Issues Involving The Replacement Of Professional Firefighters With Volunteers*, 2-4).
- 49 Wright, “Pandemic Adds Stress to Already Strained Rural Fire Departments.”
- 50 Prior to the Empowerment Act, the consolidation of fire districts was governed by Town Law, §§170, 171, 172, 172-a, 173, 174 and dissolution of fire districts was controlled by Town Law, §§172-d. The consolidation of fire protection districts was governed by §§172-b, 172-c, 173. The Empowerment Act repealed these provisions and created a uniform process of consolidation and dissolution codified in General Municipal Law, Article 17-A. The consolidation of incorporated fire companies is governed by Not-For-Profit-Corporations Law, Article 9.
- 51 When two or more fire districts consolidate, Town Law (as amended by the Empowerment Act) provides that the boards of commissioners of the former districts and treasurers continue and jointly serve until December 31st of the year succeeding the next fire district elections (Town Law, §174-1(b)). The Empowerment Act further grants the authority to appoint or elect the fire commissioners of consolidated districts per the joint consolidation agreement (Town Law, §189-e).
- 52 Joseph Frank, “Preparing for Consolidation or Dissolution of a Fire District(s),” *Fire District Affairs Newsletter*, October/November 2017, reprinted in *Creating a Fire District: Steps in Becoming or Consolidating a Fire District* (Albany: Association of Fire Districts of the State of New York, 2018), https://www.afdsny.org/docs/Becoming_or_Consolidating_a_Fire_District_20180210.pdf.
- 53 *A Review of Fire Protection Within Erie County* (Buffalo, NY: Office of the County Comptroller, 2010), https://www.erie.gov/comptroller/pdfs/FIRE_report_June_2010.pdf.
- 54 Frank, “Preparing for Consolidation or Dissolution of a Fire District(s).”
- 55 The Local Government Efficiency program provides state technical assistance and funding for several categories of reorganization, including 1) high priority noncompetitive grants (for charter revision, mergers, consolidations, and dissolutions), 2) competitive general efficiency (shared services) grants, and 3) implementation grants. Specific programs include Citizens Re-Organization Empowerment Grant (CREG), the Local Government Efficiency Grant (LGEG), the Municipal Restructuring Fund (MRF), the Financial Restructuring Board for Local Governments (FRB), and the Countywide Shared Services Incentive (CWSSI). Collectively, these programs provide state-level incentives to local governments for the study and implementation of municipal reorganization and efficiency.
- 56 A systematic study of the return on the investment of such grants specific to fire district consolidation and dissolution does not appear to be reported by either the Department of State (DOS) or OSC. Required Reporting on Local Government Efficiency programs (available from 2005–17) does not disaggregate findings or clarify whether these are included under government consolidation or public safety.
- 57 This includes several sizable, six-figure awards to Essex (2017), Wyoming (2016), Jefferson (2008 and 2010), and Otsego (2007) for EMS consolidation studies.

- 58 A 2014 CGR study for the Town of Byron (Genesee County) was apparently commissioned by residents who preferred to remain anonymous. Efforts to consolidate the Byron and South Byron Fire Departments reportedly date back to the late 1960s. In 2012, efforts by town board members to undertake a study met with fierce resistance from the fire department leadership and members (Howard B. Owens, "Move to merge Byron's two fire departments dropped amid stiff resistance from volunteers," *The Batavian*, October 24, 2012, <https://www.thebatavian.com/howard-owens/move-merge-byrons-two-fire-departments-dropped-amid-stiff-resistance-volunteers/34504>).
- 59 Bolger, "Local Fire District Consolidation a First in NY."
- 60 "Cohoes, Watervliet fire study heating up," *Albany Times Union*, June 3, 2011, <https://www.timesunion.com/local/article/Cohoes-Watervliet-fire-study-heating-up-1407582.php>.
- 61 The four departments include the Sir William Johnson Volunteer Fire Department, Pleasant Square Volunteer Fire Department, Mecoo Volunteer Fire Department, and Sammonsville Volunteer Fire Department. The town additionally contracts with the Berkshire Fire District.
- 62 Patricia Older, "Study concerns town of Johnstown fire depts.," *The Leader Herald*, April 19, 2019, <https://leaderherald.com/gloversville-local-news-johnstown-local-news/local-news/2019/04/study-concerns-town-of-johnstown-fire-depts/>.
- 63 Daniel Friedman, "NYS Ramapo Fire Consolidation Study Completed," *Rockland County Times*, December 31, 2015, <https://www.rocklandtimes.com/2015/12/31/nys-ramapo-fire-consolidation-study-completed/>.
- 64 In 2022, the first Black female fire chief took command of the district. See Keldy Ortiz, "Gordon Heights's 1st female fire chief blazes a trail while settling in," Eastern Suffolk BOCES, updated February 27, 2022, <https://www.esbooces.org/site/default.aspx?PageType=3&ModuleInstanceID=1868&ViewID=7b97f7ed-8e5e-4120-848f-a8b4987d588f&RenderLoc=0&FlexDataID=25077&PageID=1>.
- 65 Linda Saslow, "Citing Taxes, Some Seek Fire District's Demise," *New York Times*, March 18, 2009, <https://www.nytimes.com/2009/03/22/nyregion/long-island/22fireli.html>.
- 66 Spencer Rumsey, "Special District Consolidation Gains Steam on Long Island," *Long Island Press*, February 11, 2011, <https://archive.longislandpress.com/2011/02/11/special-district-consolidation-gains-steam-on-long-island/>.
- 67 Justin Murphy, "Court tells West Brighton FD to give firehouse to town," *Rochester Democrat and Chronicle*, April 2, 2015, <https://www.democratandchronicle.com/story/news/2015/04/02/west-brighton-fire-appellate/70818978/>.
- 68 James Battaliglia, "Stand With Wbfd embraces new dissolution plan," *Holland Sentinel*, April 11, 2013, <https://www.hollandsentinel.com/story/news/local/brighton-pittsford/2013/04/11/stand-with-wbfd-embraces-new/45696556007/>.
- 69 In Re Inzer. 2019. In the Matter Pat A. Inzer, Bruce Hall, Dean C. Marshall, III, Kevin Hall, James Quinn, for Judicial Dissolution of West Brighton Fire Department. 173 A.D.3d 1826 (N.Y. App. Div. 2019).
- 70 "Town of Corning Approves Joint Fire District Measure," *WENY News*, January 31, 2019, <https://www.weny.com/story/39881372/town-of-corning-approves-joint-fire-district-measure>.
- 71 Jordan Guerrein, "New study recommends a joint fire district in Victor," *Rochester First*, January 23, 2017, <https://www.rochesterfirst.com/news/local-news/new-study-recommends-a-joint-fire-district-in-victor/>.
- 72 Alex Crichton, "Voters in Victor approve establishment of a joint fire district," *WXXI News*, March 19, 2019, <https://www.wxnews.org/government/2019-03-19/voters-in-victor-approve-establishment-of-a-joint-fire-district>.
- 73 Jack Kline, "Lysander/Baldwinsville fire district merger falls short of its goals," Opinion, *Syracuse Post-Standard*, September 3, 2020, <https://www.syracuse.com/opinion/2020/09/lysanderbaldwinsville-fire-district-merger-falls-short-of-its-goals-your-letters.html>.
- 74 "Welcome to Hamlin Fire Department Inc.," Hamlin Fire Department, accessed August 31, 2022, <https://hamlinfire.com/index.html>.

- 75 Kristina Gabalski, "Hamlin Morton Walker pleased with fire district consolidation," *Westside News*, November 2, 2015, <https://westsidenewsny.com/news/2015-11-02/hamlin-morton-walker-pleased-with-fire-district-consolidation/>.
- 76 Erin Wisneski, "Fire district consolidation approved," *Eagle News Online*, June 29, 2012, <https://eaglenewsonline.com/new/2012/06/29/fire-district-consolidation-approved/>.
- 77 *Local Government Efficiency Program: Annual Report: 2009–2010* (Albany: New York Department of State, 2009), 7, <https://dos.ny.gov/system/files/documents/2019/05/annrpt2009final-version.pdf>.
- 78 *Consolidation Study: North Greenbush Fire District #1; Dissolution of Defreestville Fire Protection District; Extension of North Greenbush Fire District #1*, prepared by Edward M. Olmstead, Jr., Fire Protection Consultant, September 2009, <https://dos.ny.gov/system/files/documents/2019/11/northgreenbushfinalreport.pdf>.
- 79 Lisa K. Parshall, *Dissolving Village Government in New York State: A Symbol of a Community in Decline or Government Modernization?* Policy Brief (Albany, NY: Rockefeller Institute of Government, June 24, 2019), <https://rockinst.org/issue-area/dissolving-village-government-in-new-york-state/>. Lisa K. Parshall, *In Local Hands: Village Government Incorporation and Dissolution in New York State* (Albany, NY: SUNY Press, forthcoming).
- 80 Parshall, *In Local Hands: Village Government Incorporation and Dissolution in New York State*.
- 81 The situation for village police service is similar in that villages may maintain a municipal (village) police department or else may contract out those services to another municipal entity. When villages do not provide police services, policing is maintained by either the town or county governments. There is an important difference, however, between police and fire services: whereas towns cannot provide fire protection on a town-wide basis, policing may only be provided as a town-wide service (towns cannot create police districts to offer enhanced police to more populated areas within the town, for example, without that service being assessed on a town-wide basis). Thus, the proposed dissolution of villages that maintain municipal police and fire departments are often among the most contentious as residents worry about the provision of these critical services and debate whether dissolving will reduce costs (by eliminating an extra layer of general-purpose government—a village within a town) if new fire districts must be created.
- 82 "Cut the Red Tape," *Rochester Democrat and Chronicle*, May 25, 2004.
- 83 Under GML-17-A, citizen-initiated dissolutions of municipal entities (including fire districts) are subject to a permissive referendum. The petition was initiated by supporters of the CVFD to force the town to dissolve the FPD in the hopes of establishing an independent FD. "In addition to dissolving the company, the Attorney General is asking that a judge order that the company's assets be equitably distributed to the town of Champion for use within Fire Protection District No. 1 with the village of West Carthage and Fire Protection District No. 2 with the village of Copenhagen." See Brian Kelly, "NY Attorney General Wants Volunteer Fire Company Dissolved," *Watertown Daily Times*, February 4, 2020, <https://www.firehouse.com/careers-education/news/21124188/ny-attorney-general-wants-champion-volunteer-fire-company-dissolved>.
- 84 In a separate Article 78 motion, the Champion Volunteer Fire Department (CVFD) challenged the termination of its contract by the town in 2015. That motion was converted to a breach of contract action (the town alleged that the CVFD had failed to comply with financial reporting and training requirements and proof of liability insurance). At the request of the attorney general, a state supreme court would issue an order to dissolve the Champion Volunteer Fire Department in 2020 for failure to have a fire protection contract since 2015. The plan for its dissolution included the transfer of station house and equipment to the town for use as a satellite station for West Carthage Village Fire Department. The authority of the attorney general to dissolve incorporated entities under New York Not-For-Profit Corporation Law was enhanced in 2013 as part of Governor Cuomo's efforts to streamline government. In addition to strengthening conflict of interest and whistleblower protections, the law gave the state attorney general the authority to oversee all nonprofit corporations and enforce state regulations. For example, in May 2022, a state supreme court approved the dissolution of the Magee Volunteer Fire Department (MVFD) also upon initiation of action by the attorney general. The corporate dissolution was commenced under §1101 of the Not-For-Profit Corporate Law based on violations of New York State gaming laws and poor financial management that rendered the MVFD unable to provide fire services. See David L. Shaw, "Court dissolves Magee Volunteer Fire Department," *Finger Lakes Times*, January

22, 2022, https://www.ftimes.com/news/court-dissolves-magee-volunteer-fire-department/article_c94796f0-b9a6-5806-ad39-bfe3981c98b0.html.

- 85 Respondents countered in arguments before the court that the Empowerment Act was not intended to apply to FPDs but was aimed at the elimination of separate but overlapping taxing entities. The citizen petitioners' request then would have been contrary to the Empowerment Act by replacing a town special district (a FPD) with an independent municipal entity (a FD) that would have independent taxing authority separate and in addition to the town.
- 86 See, however, [endnote 83](#) explaining the power of the attorney general to dissolve incorporated fire companies.
- 87 As explained in Parshall, dissolution is more often pursued than consolidation in the effort to eliminate village governments because it requires only the action of residents of the village (whereas consolidation requires voter approval in both units). Town-outside-of-village residents do not vote on dissolution and if dissolution is approved by village voters, the functions and property of the former village transfer to the surrounding town(s). See Parshall, *Dissolving Village Government in New York State: A Symbol of a Community in Decline or Government Modernization?*; and Lisa K. Parshall, *Is it Time for New York State to Revise its Village Incorporation Laws: A Background Report on Village Incorporation in New York State* Policy Brief (Albany, NY: Rockefeller Institute of Government, January 2020), <https://rockinst.org/issue-area/village-incorporation-laws/>.



ABOUT THE ROCKEFELLER INSTITUTE

Created in 1981, the Rockefeller Institute of Government is a public policy think tank that conducts cutting-edge, nonpartisan research and policy analysis. Our mission is to improve the capacities of communities, state and local governments, and the federal system to work toward genuine solutions to the nation's problems. Through rigorous, objective, and accessible analysis and outreach, the Institute gives citizens and governments facts and tools relevant to public decisions.

Learn more at www.rockinst.org.

LEARN MORE

www.rockinst.org

@RockefellerInst

Rockefeller
Institute of Government