

Fire/EMS District Formation [DRAFT]

Legal Roadmap to Create a Unified Town-Wide Fire District

The Legal Path in Brief

1

FORM

Establish joint fire district under
Town Law Article 11-A (§§ 189-a through 189-i)

2

ABSORB

Dissolve Kirkville Fire District into
new joint district under GML Article 17-A

3

OPERATE

Provide EMS under GML § 209-b;
secure DOH Certificate under PHL § 3005

The Legal Path to a Unified Fire/EMS District

Three coordinated statutory tracks completed in parallel produce one operating district.

END STATE: A single town-wide, independent joint fire district that includes the Villages of Fayetteville, Manlius, and Minoa and the former Kirkville Fire District territory, providing both fire protection and EMS/ambulance services under a single Board of Fire Commissioners.

TRACK 1 — DISTRICT FORMATION

Vehicle: Town Law Article 11-A (§§ 189-a to 189-i) and Village Law § 22-2210.

Action: Town Board + each participating Village Board of Trustees jointly establish one joint fire district covering contiguous town and village territory.

Result: New independent district with elected/appointed Board of Fire Commissioners; existing village fire departments dissolved by local law upon establishment.

TRACK 2 — KIRKVILLE ABSORPTION

Vehicle: GML Article 17-A (§§ 750 – 793) — board-initiated consolidation/dissolution of local government entities, including fire districts.

Action: Kirkville Fire District Board of Fire Commissioners + Town Board approve consolidation plan or dissolution plan transferring Kirkville territory, assets, debt, and personnel to the new joint district.

Result: Kirkville Fire District ceases to exist; its territory and obligations move into the new joint district.

TRACK 3 — EMS AUTHORITY

Authority: GML § 209-b (fire district ambulance authority) + Public Health Law Article 30 (§§ 3005, 3008).

Action: New joint district applies to NYSDOH Bureau of EMS for ambulance service operating certificate (Municipal CON process); coordinate with Central New York Regional EMS Council for public need determination.

Result: New district holds a single ambulance operating certificate; existing village and volunteer certificates are surrendered or transitioned.

Why Article 11-A Is the Required Formation Vehicle

A standard Article 11 town fire district cannot lawfully include village territory.

WHAT THE LAW BLOCKS

Standard Town Law Article 11 Fire District (§ 170)

Town Law § 170(1) expressly authorizes a town board to establish a fire district only in territory "outside of any incorporated village or city, or existing fire, fire alarm or fire protection district."

Consequence for Manlius

- Cannot include Fayetteville village territory
- Cannot include Manlius village territory
- Cannot include Minoa village territory
- Cannot include existing Kirkville Fire District territory

Confirmed by Case Law

Fallica v. Town of Brookhaven, 69 A.D.2d 579 (2d Dep't 1979) (distinguishing fire districts from fire protection districts; territorial limits are jurisdictional).

WHAT THE LAW AUTHORIZES

Town Law Article 11-A Joint Fire District (§ 189-a)

"The town board of a town... and the board of trustees of an incorporated village... located in said town or towns are hereby authorized to establish in such town or towns and village or villages a joint fire district."

What Article 11-A Permits

Town + village territory in ONE district

- Contiguous territory requirement (met here)
- Establishment dissolves prior village fire departments by local law
- Board of Fire Commissioners governs new district

Village Law § 22-2210 mirrors and authorizes village participation.

Governing Statutory Framework

The specific statutes and regulations that will govern every step of this process.

DISTRICT FORMATION

Town Law § 189-a

Procedure for establishment of joint fire district

Town Law § 189-b

Sale/transfer of firehouse, land, apparatus

Town Law § 189-c

Board of fire commissioners composition

Town Law § 189-d

Powers of joint fire district

Town Law § 189-e

Governance and elections

Village Law § 22-2210

Village authority to participate

Town Law Art. 7

Permissive referendum procedure

CONSOLIDATION / DISSOLUTION

GML Art. 17-A § 750

Definitions and scope

GML §§ 751–772

Board-initiated consolidation procedure

GML §§ 773–790

Dissolution of local government entities

GML § 790

Disposition of debts and liabilities

Town Law § 172-d

Alternative: dissolve fire protection district into fire district

N-PCL Art. 9

Fire corporation merger/dissolution (if applicable)

EMS / AMBULANCE AUTHORITY

GML § 209-b

Fire district authority to provide ambulance service

Pub. Health Law § 3005

Ambulance service operating certificate required

Pub. Health Law § 3008

Municipal ambulance service authority

Pub. Health Law § 3002

Regional EMS council public need determination

10 NYCRR Part 800

NYS EMS Code (operations, staffing, equipment)

NYSDOH Policy 09-01

Municipal Certificate of Need (Muni-CON) process

Step-by-Step: Creating the Article 11-A Joint Fire District

The statutory sequence to establish the new district under Town Law § 189-a.

1

JOINT MEETING: Town Board + Village Boards convene within proposed district territory. Purpose: propose establishment of joint fire district. § 189-a(2)(a).

2

MAJORITY VOTE: Each board must approve the proposal by majority vote at the joint meeting to move forward. § 189-a(2)(a).

3

JOINT PUBLIC HEARING: Held within 30 days of the joint meeting; single hearing serves all participating municipalities. § 189-a(2)(b).

4

NOTICE: Publish in newspaper of general circulation; post in 5 conspicuous places in Town outside villages AND 5 in each village; mail to board members; all at least 10 days before hearing. § 189-a(2)(b).

5

PUBLIC INTEREST FINDING: After hearing, each board determines by resolution whether the joint fire district is in the public interest. § 189-a(3).

6

ESTABLISHMENT RESOLUTIONS: Each participating board adopts resolution establishing joint fire district, subject to permissive referendum. § 189-a(3); Town Law Art. 7.

7

DISSOLVE EXISTING DEPARTMENTS: Villages, by local law, dissolve their village fire departments concurrent with establishment. § 189-a(4).

8

FILE DETERMINATION: File certified copy of resolutions with Town Clerk(s), County Clerk, and NYS Department of State; publish in State Register. § 189-a(5).

9

BOARD OF FIRE COMMISSIONERS: 3–7 members; determined at establishment meeting to be either appointed by boards jointly or elected under Town Law Art. 11. § 189-c.

10

ORGANIZE: New Board of Commissioners takes office; adopts budget, bylaws, SOPs, and assumes operational control on effective date.

What Each Participating Village Must Do

Concrete actions required from Fayetteville, Manlius, and Minoa village boards.

A

AUTHORIZE PARTICIPATION

Village Board of Trustees adopts resolution authorizing Mayor to participate in the Article 11-A joint meeting and hearing process. Village Law § 22-2210.

B

JOINT MEETING PARTICIPATION

Village Board votes on proposal to establish joint fire district at joint meeting with Town Board. Majority vote required. Town Law § 189-a(2)(a).

C

PUBLIC HEARING & PUBLIC INTEREST FINDING

Village Board participates in joint public hearing; adopts resolution making public interest finding after hearing. Town Law § 189-a(3).

D

ESTABLISHMENT RESOLUTION

Village Board adopts establishment resolution subject to permissive referendum under Village Law Art. 9. Town Law § 189-a(3).

E

DISSOLVE VILLAGE FIRE DEPARTMENT

Adopt local law dissolving village fire department effective concurrent with joint fire district establishment. Village Law § 10-1006; Town Law § 189-a(4).

F

TRANSFER ASSETS

Authorize sale/transfer of firehouse, land, apparatus, equipment, and reserves to new joint fire district; consideration may be nominal. Town Law § 189-b.

G

ADDRESS EMPLOYEES

Address transition of career firefighters (civil service, CBAs, seniority, benefits) through negotiation with unions; determine successorship. Civil Service Law § 45.

H

ADDRESS VOLUNTEER COMPANY

Coordinate with volunteer fire company (Not-for-Profit Corporation) regarding continued affiliation, LOSAP transfer, and station identity.

Kirkville Fire District: Board-Initiated Dissolution Under GML Article 17-A

Kirkville is already an independent fire district, so its transition is a separate statutory process.

KEY POINT: Kirkville cannot simply be "included" in the new district. As an existing fire district, it is a local government entity that must be affirmatively dissolved or consolidated under GML Article 17-A before or concurrent with the joint district's establishment.

STEP 1 INITIATE	STEP 2 DRAFT PLAN	STEP 3 DISPLAY & NOTICE	STEP 4 PUBLIC HEARINGS
Kirkville Fire District Board of Fire Commissioners AND Town Board adopt joint resolution proposing consolidation with/dissolution into the new joint fire district. GML § 751 (consolidation) or § 774 (dissolution plan).	Prepare "Consolidation Agreement" or "Dissolution Plan" per GML § 754/§ 774: names, territorial boundaries, effective date, disposition of assets/liabilities, employees, records, and continuation of services.	Post plan on District and Town websites within 5 business days; publish notice in newspaper of general circulation. GML § 755/§ 775.	Hold one or more public hearings on the plan within 35–90 days of adoption; each participating entity may hold jointly or separately. GML § 756/§ 776.
STEP 5 ADOPT FINAL PLAN	STEP 6 PERMISSIVE REFERENDUM	STEP 7 TRANSFER TITLE	STEP 8 WIND DOWN
Within 60 days after last hearing, governing bodies adopt final plan by resolution. GML § 758/§ 778.	For consolidation of special districts (fire districts), the plan becomes effective without referendum. Dissolution of a fire district takes effect on plan's specified date. GML § 758.	On effective date: all Kirkville territory, real property, apparatus, funds, and contracts transfer to the joint fire district; Kirkville debts assumed. GML § 790.	Kirkville Board dissolved; final report filed; records transferred; volunteer company relationship addressed. GML § 787.

Transferring Assets, Debt, Personnel, and Volunteer Relationships

The consolidation agreement and Article 11-A resolutions must address each transition item.

REAL PROPERTY & APPARATUS

Village firehouses, land, apparatus: transferred by village boards under Town Law § 189-b — may be conveyed with or without consideration.

Kirkville station, land, apparatus, reserves: transferred by operation of the Article 17-A consolidation agreement under GML § 790.

Deeds/titles updated to reflect the joint fire district as new owner.

DEBT & OBLIGATIONS

Outstanding bonds/notes of Kirkville transfer to new district under GML § 790 — may be ring-fenced to former Kirkville territory if plan so provides.

Village indebtedness for fire department assets addressed in transfer agreement.

EMS billing receivables inventoried and transferred.

CONTRACTS & CERTIFICATES

Existing IMAs, mutual aid, dispatch, service, and vendor contracts: identified and assigned by consent to new district.

EMS operating certificates: cannot be transferred; new district must obtain its own (see EMS slide).

LOSAP: coordinate with sponsor to continue for volunteers.

CAREER EMPLOYEES / CIVIL SERVICE

Fayetteville and Manlius village fire departments include career firefighters.

Under Civil Service Law § 45, when a governmental unit consolidates functions, transferred employees preserve tenure, seniority, and benefits.

Existing CBAs remain in force until negotiated successor agreement; new district as successor employer must recognize bargaining representative under Taylor Law.

Municipal Civil Service Commission (Onondaga County) coordinates title consolidation.

VOLUNTEER COMPANIES & IDENTITY

Each village fire department volunteer company (typically a Not-for-Profit Corporation under N-PCL Art. 14) is a separate legal entity from the village department.

Volunteer companies may continue as separate NFP entities and contract with the new district under Town Law § 176; or dissolve/consolidate under N-PCL Art. 9.

Station identity, patches, historical designations preserved by joint district resolution as company designations.

EMS/Ambulance Authority: GML § 209-b and PHL Article 30

The new joint fire district provides EMS directly — no separate EMS district needed.

BOTTOM LINE: A separate "EMS district" is NOT required. Under Gen. Mun. Law § 209-b, a fire district may operate an ambulance service. The joint fire district must, however, obtain its own NYSDOH ambulance service operating certificate under Public Health Law § 3005.

1 CONFIRM STATUTORY AUTHORITY

GML § 209-b(1): "The fire district may... provide general ambulance service." Fire district Board of Fire Commissioners adopts resolution electing to provide ambulance service.

2 INVENTORY CURRENT CERTIFICATES

Identify who currently holds each ambulance operating certificate: village fire departments? Separate volunteer ambulance corps? Contracted providers? Certificates cannot be assigned/transferred (PHL § 3010).

3 FILE MUNI-CON APPLICATION

Submit Municipal Certificate of Need application to NYSDOH Bureau of EMS under PHL § 3008 and DOH Policy 09-01. Municipal ambulance services receive statutory presumption of public need.

4 REGIONAL EMS COUNCIL REVIEW

Central New York Regional EMS Council reviews application per PHL § 3002; issues determination of public need. Muni-CON streamlines this for municipal applicants.

5 DOH FITNESS REVIEW

DOH reviews staffing, equipment, medical direction, protocols, and CQI plan for compliance with 10 NYCRR Part 800.

6 ISSUE OPERATING CERTIFICATE

Two-year initial certificate issued under PHL § 3005. Concurrent surrender/termination of predecessor certificates; billing NPI/Medicare-Medicaid enrollment transitioned.

Governance of the New Joint Fire District

Board composition, powers, budget authority, and taxing power under Town Law Art. 11 and Art. 11-A.

BOARD OF FIRE COMMISSIONERS

Composition: 3 to 7 members. Town Law § 189-c.

Selection method (decided at establishment):

- Appointed by Town + Village boards jointly, OR
- Elected at annual district election under Town Law Art. 11 § 175.

Terms: staggered 3-year (appointed) or 5-year (elected). § 174.

Must reside in district and be registered voters.

OFFICERS

Chairperson (annually elected from Commissioners)

Treasurer (elected; bonded)

Secretary (appointed; may be Commissioner)

Fire Chief and Assistant Chiefs — appointed by Board under Town Law § 176(11).

Counsel — appointed by Board.

BUDGET & TAX AUTHORITY

Board adopts annual budget by November 4. Town Law § 181.

Town supervisors levy tax on district property.

Tax uniformly applied across entire district (subject to permissible zones for phased equalization).

Bonds/notes: issued under Local Finance Law with elector approval.

DISTRICT POWERS (Town Law § 176)

- Contract for/purchase land, buildings, apparatus, equipment
- Employ personnel (career firefighters, EMS staff)
- Recognize and contract with volunteer fire companies
- Provide fire protection, rescue, and hazmat services
- Provide general ambulance and emergency medical services (§ 209-b)
- Establish training programs and mutual aid agreements
- Adopt policies, SOGs, and disciplinary rules
- Sue and be sued in the district's name

ELECTIONS & ACCOUNTABILITY

- Annual district election: second Tuesday in December (Town Law § 175).
- Elects commissioners and treasurer; approves major bond authorizations.
- Public meetings subject to Open Meetings Law (POL Art. 7).
- Records subject to FOIL (POL Art. 6).
- Annual audit under GML § 33; independent audit under Town Law § 181-b if budget exceeds threshold.
- Financial disclosure filings with Office of State Comptroller.

Real-World Example: Town of North Greenbush Consolidation

Rensselaer County town that consolidated fire services — the questions their process answered are the same questions Manlius must answer.

CONTEXT: Town of North Greenbush (Rensselaer County) consolidated the Defreestville Fire Department, Incorporated (a volunteer fire corporation providing service to the Town of North Greenbush Fire Protection District) with the existing North Greenbush Fire District #1. The consolidation used Article 17-A dissolution of the fire protection district combined with absorption of the fire corporation.

STRUCTURAL SIMILARITIES TO MANLIUS

- Multiple existing fire service providers with different legal forms
- Volunteer companies with independent legal identity
- Existing fire district as one of the entities
- Fire protection district serving town-outside-village area
- Need to transition apparatus, real property, and personnel
- Desire to preserve local station identity and volunteer traditions

KEY LEGAL QUESTIONS THEY RESOLVED

- Mechanism to transfer volunteer corporation's assets (cash + equipment) to the fire district
- Disposition of apparatus subject to outstanding debt: lease from NFP corporation to district until debt retired, then transfer
- Building ownership and lease-back arrangements pending future transfer
- Guarantees to volunteer members regarding continued participation
- Fire company relationship post-consolidation (contract for services under Town Law § 176)

MANLIUS APPLICATION

- Fayetteville, Manlius, and Minoa village fire departments each have volunteer companies alongside career staff — same asset/company separation issue
- Kirkville has a volunteer company operating under fire district oversight — same district+company structure
- Apparatus debt transfer, real property title, LOSAP continuation, and 2% money distribution are documentable issues with established solutions

PRECEDENT VALUE

- The North Greenbush consolidation demonstrates that:
- Article 17-A dissolution of a fire protection district into a fire district is achievable
 - Volunteer company assets can be transferred through negotiated agreement
 - Multi-year phased implementations (apparatus, station, debt) work in practice
 - Consultant reports and legal counsel can align the parties

Implementation Timeline

Realistic sequencing of the three legal tracks over approximately 18–24 months.

MONTHS 1–3	FEASIBILITY & COMMITMENT	MONTHS 4–6	FORMATION - TRACK 1	MONTHS 4–9	KIRKVILLE - TRACK 2
• Committee endorsement of Article 11-A path • Formal willingness resolutions from Town + each Village + Kirkville • Retain municipal counsel of record for each entity • Complete asset, debt, personnel, and EMS certificate inventory • Draft consolidation agreement + transfer terms		• Joint meeting of Town + Village Boards (§ 189-a(2)(a)) • Notice period + joint public hearing (§ 189-a(2)(b)) • Public interest findings and establishment resolutions • 30-day permissive referendum period (Town Law Art. 7) • File determination with DOS; publish in State Register		• Board-initiated consolidation resolution • Draft, display, and hearings on consolidation plan (GML §§ 754–756) • Adopt final consolidation plan • Coordinate effective date with Track 1	
MONTHS 6–12	EMS - TRACK 3	MONTHS 12–18	TRANSITION & GO-LIVE	MONTHS 18–24	STABILIZATION
• Prepare Muni-CON application • Submit to CNY Regional EMS Council • Council review + public hearing on public need • DOH fitness and equipment review • Issuance of operating certificate		• New Board of Fire Commissioners takes office • Adopt initial budget, tax levy, SOPs, and organizational chart • Execute asset transfers, employee successorship • Volunteer company recognition and contracts • Commence unified operations on effective date		• 6-month operational review • Rate/levy adjustments after first full budget cycle • Independent audit under Town Law § 181-b • Report to public with performance metrics • 12-month after-action assessment	

Authority: Timeline synthesizes statutory minimums under Town Law § 189-a, GML Arts. 17-A, Pub. Health Law Art. 30, and Local Finance Law with typical implementation experience.

Immediate Action Items — (Proposed) Next 90 Days

Concrete next steps to move from concept to an executable legal process. **PLEASE NOTE: This is just a draft**

1

RESOLUTIONS OF INTENT

Each participating body (Town, three Villages, Kirkville) adopts formal resolution stating intent to participate in Article 11-A joint fire district and Article 17-A consolidation process.

OWNER: Town Board + Village Boards + Kirkville Fire District Board

2

INVENTORY & DATA CALL

Standardized data request for each entity: real property titles/appraisals, apparatus lists, outstanding debt, contracts, CBAs, personnel roster, EMS certificates, LOSAP/2% status, reserves.

OWNER: Municipal counsel + Committee data lead

3

BOUNDARY MAP

Prepare metes-and-bounds description of proposed joint fire district; verify contiguity under Town Law § 189-a(1); coordinate with County GIS and Assessor.

OWNER: Municipal engineer + counsel

4

DRAFT LEGAL PACKAGE

Prepare (a) joint meeting resolution; (b) public hearing notice; (c) public interest findings; (d) establishment resolution; (e) village local law dissolving village FDs; (f) Kirkville consolidation agreement.

OWNER: Harris Beach Murtha Cullina

5

DOH PRE-APPLICATION CONTACT

Initiate contact with NYSDOH Bureau of EMS and Central New York Regional EMS Council to confirm Muni-CON pathway, application requirements, and pre-submission conference.

OWNER: Fire chiefs + counsel

6

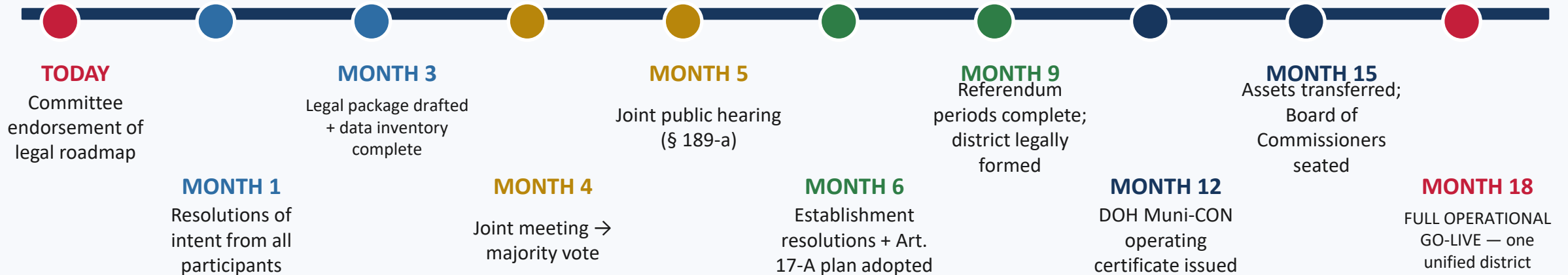
LABOR/UNION NOTIFICATION

Notify recognized bargaining representatives of career firefighters (Fayetteville, Manlius) of consolidation planning; open transition discussions under Civil Service Law § 45.

OWNER: Village HR + labor counsel

Summary: (Proposed) The Legal Roadmap in One View

The full path from today to a unified operating district. PLEASE NOTE: This is just a draft



THE LEGAL PATH

- 1. FORM:** Town + Villages establish joint fire district under Town Law Article 11-A (§§ 189-a to 189-i)
- 2. ABSORB:** Dissolve Kirkville Fire District into new district via GML Article 17-A board-initiated consolidation
- 3. TRANSFER:** Convey firehouses, apparatus, personnel, and volunteer relationships under §§ 189-b, 176, and CSL § 45
- 4. OPERATE:** Provide EMS under GML § 209-b; obtain NYSDOH Muni-CON operating certificate under PHL § 3005

One statutory path. Three coordinated tracks. One operating result: a unified, town-wide, independent joint fire district providing both fire protection and EMS to Fayetteville, Manlius, Minoa, and the former Kirkville territory.