

BROOME COUNTY FIREFIGHTERS' ASSOCIATION

BROOME COUNTY, NEW YORK

Consolidation: What it Means to the First Responder

This recap of the most frequently asked questions of FASNY's Legislative Committee and Board through Legislative Outreach and Sectional meetings is designed to look at what is actually required by the recently enacted New York Reorganization and Citizen Empowerment Act, commonly referred to as the Consolidation Law.

The statute was passed in early June of this year and signed into law by Governor Paterson shortly thereafter. Since its enactment firefighters and EMS responders throughout the state have queried FASNY officers and staff regarding what the law requires of the fire district, fire department and the rank and file volunteer responder. Here are some of the questions.

Q - When is the law effective?

A - The law is scheduled to go into effect in early March of 2010.

Q - There is talk of various amendments. Is that true?

A - Yes, there have been discussions with the Attorney General's office and the Legislature regarding amendments, which range from total exemption to changes in the described process making it more protective of the special circumstances in individual fire districts.

Q - What should I be doing about the law right now?

A - Although chapter amendments were a possibility, the Senate power struggle has sidelined effective revisiting of the legislation.

Q - When will FASNY act to address potential changes in the statute?

A - FASNY is addressing the issue in the off session and has delivered suggested changes to the statute to the AG and Governor. Most likely the legislature will look at the issue again in early January of 2010, before the March effective date.

Q - How can consolidation of two or more government entities (fire districts) be initiated?

A - A consolidation can be initiated by agreement of the governing body involved (fire district, town, village) or by petition of the electors residing in the entities.

Q - Can consolidation be mandated by 10% of those petitioning?

A - No, the petition signed by 10% of the voters can only start the process.

Q - What are the steps in the process?

- A -
1. Petition signed by 10% of voters
 2. Referendum in each local government (fire district) involved
 3. Majority of voters (in each entity) decide on consolidation
 4. Each entity (fire district) meets and proposes a plan
 5. Plan is publicized.
 6. Governing bodies (fire districts) approve final version of plan
 7. 45 days after plan approval electors may petition to stop the plan
 8. Must have 25% of electors to stop process.
 9. Court ordered Judicial review if no agreement is reached by entities involved

Q - Does the law require that fire districts to be consolidated have to agree on a plan to consolidate?

A - No the law specifically allows for differing views as to how consolidation can take place and requires that the cost effectiveness of the consolidation be made clear to the impacted voters involved.

Q - Does the law require an economic impact statement accounting for the inherent savings that the volunteer responder brings to their community?

A - The law implies that an examination of potential savings involved in a consolidation of structure and equipment be considered but does not require consideration be given to the potential loss of volunteers involved in the consolidation.

Q - What happens if there is a substantial loss of volunteers in a poorly evolved

consolidation?

A - Since the law covers all local government consolidation, it treats volunteers as if they are paid employees. The taxpayer will foot the bill for a consolidation gone bad.

Q - If volunteers are saving their local communities billions of dollars in wages annually how can there be savings in consolidation?

A - Of all local government entities fire districts account for 1% of local government spending while school districts account for 66%. It will be hard to improve on that 1% statistic.

Q - How can the law be amended?

A - The law can be amended three ways

1. Exempt fire districts
2. Create a review of the facts after electors file petition but before majority vote
3. Make certain there is consideration of potential loss of volunteer responders

We hope this run-down of frequently asked questions is helpful, and FASNY will keep you up to date on this issue as it develops.