

**Governing Body Initiated
Proposed Joint Consolidation Agreement**

of

**AVOCA FIRE DISTRICT
and
WALLACE FIRE DISTRICT**

into

**AVOCA FIRE DISTRICT
a Consolidated Local Government Entity**

**pursuant to
General Municipal Law Article 17-A**

Prepared by:
Boards of Fire Commissioners of
Avoca Fire District and
Wallace Fire District

Proposed Joint Consolidation Agreement
Adopted: May 12, 2025

INTRODUCTION

The Avoca Fire District ("AFD") located in the Town of Avoca and Town of Wheeler (Town of Avoca FD224, Town of Wheeler FD804) was established in September 2023 by the Town of Avoca and the Town of Wheeler to assume control over the prevention and extinguishment of fires within the territorial boundaries of the fire district and to create a district corporation with the power to contract indebtedness and levy taxes to provide for fire protection and emergency services to the persons and properties within the fire district. Since the establishment of AFD, the Board of Fire Commissioners of AFD has always been the "governing body" of the "local government entity" as those terms are defined in General Municipal Law §750(10) and (13). AFD is the authority having jurisdiction and legally charged with the control of the Avoca Hose 1, a domestic, not-for-profit corporation that was formed in 1896 serves as the designated fire department for AFD pursuant to Not-for-Profit Corporation Law §1402 and Town Law §176(10).

The Wallace Fire District ("WFD") in the Town of Avoca (Town of Avoca FD222) was established by resolution of the Town Board of the Town of Clifton to have control over the prevention and extinguishment of fires within the territorial boundaries of the fire district and to create a district corporation with the power to contract indebtedness and levy taxes to provide for fire protection and emergency services to the persons and properties within the fire district. The Board of Fire Commissioners of WFD has always been and continues to be the "governing body" of the "local government entity" as those terms are defined in General Municipal Law §750(10) and (13). WFD has a constituent fire company located within its boundaries known as the Wallace Volunteer Fire Department, Inc., that was incorporated in 1950 and serves as the designated fire department for WFD pursuant to Not-for-Profit Corporation Law §1402 and Town Law §176(10).

The Board of Fire Commissioners of WFD and the Board of Fire Commissioners of AFD believe that certain economic and human resources efficiencies may be realized by the consolidation of these two, contiguous, component local government entities into a single, consolidated local government entity to be governed after the effective date of consolidation by the Board of Fire Commissioners of the former AFD. The consolidated local government entity following consolidation pursuant to General Municipal Law § 750(2)(b) is to be called "Avoca Fire District".

Pursuant to the Proposed Joint Consolidation Agreement, the boundaries of consolidated Avoca Fire District as the consolidated local government entity shall include the entirety of the current AFD and WFD. Only those properties located within the current boundaries of WFD and AFD will be included within the boundaries of the consolidated Avoca Fire District. Under the Proposed Joint Consolidation Agreement, the respective resident electors and property owners of WFD and AFD will become resident electors and property owners within the consolidated Avoca Fire District after the effective date of the consolidation.

**GOVERNING BODY INITIATED PLAN OF CONSOLIDATION
AND
PROPOSED JOINT CONSOLIDATION AGREEMENT
PURSUANT TO
GENERAL MUNICIPAL LAW SECTION 752**

- (a) The names of the component local government entities to be consolidated are: Wallace Fire District [hereinafter “WFD”] and Avoca Fire District [hereinafter “AFD”].
- (b) The consolidated local government entity shall be known as:
“Avoca Fire District”.
- (c) The rights, duties and obligations of the consolidated local government entity is to provide for the prevention and extinguishment of fires and attending to all other types of emergencies described within its Organizational Statement pursuant to 29 U.S.C. 651 *et seq.* and 29 C.F.R. 1910.156(b) and to exercise all of those powers conferred upon fire districts as district corporations pursuant to the laws of the State of New York.
- (d) The territorial boundaries of consolidated Avoca Fire District as the consolidated local government entity will be the aggregation of the existing boundaries of the existing WFD and AFD with the exception that in the consolidated local government entity, there will no longer be a boundary line between the current terminus of where the boundary of WFD meets the boundary of AFD. A map depicting the boundaries of the consolidated local government entity is annexed hereto as Schedule “A”. All taxable and non-taxable parcels located within WFD will become parcels contained within the consolidated local governmental entity.
- (e) The consolidated local government entity will be a fire district pursuant to Article 11 of the Town Law and a “political subdivision of the state” as set forth in Town Law §174(7) and a “district corporation” and as defined by General Construction Law §66(3).
- (f) The consolidated local government entity will be governed by an elected, five-person board of fire commissioners comprised of adult residents of the consolidated local government entity who are otherwise qualified pursuant to Town Law §174. The current Board of Fire Commissioners of AFD will govern the consolidated Avoca Fire District following the effective date of the consolidation and shall be deemed to be the governing body for purposes of a transitional plan. Future annual elections for commissioners will be conducted in the consolidated local government entity as provided for in Town Law §175 according to the existing schedule for the termination of offices for the current fire district commissioners holding office in AFD. Appointive officers of consolidated Avoca Fire District will be appointed by the Board of Fire Commissioners of Avoca Fire District as provided by law.

(g) The fiscal estimate of the annual savings that may be realized from the consolidation of WFD and AFD is approximately \$50,000; said amount being the annual budgetary allocation for insurance and administrative costs allocated annually for the operations WFD. It is estimated that the costs for providing fire protection in the consolidated Avoca Fire District will be less than the aggregate of the current costs for providing fire protection in both AFD and WFD. The fiscal estimate of the cost of the consolidation of WFD and AFD \$10,000 comprised primarily of legal and professional fees and newspaper publication costs.

(h)(1) The current value of the cash assets under the control of WFD is approximately \$199,769 including approximately \$27,460 in a certificate of deposit. WFD owns real property comprised of a firehouse and parking lot located at 61108 State Route 415 Avoca, NY, 14809 (Tax ID # 085.13-01-070.000) and 61112 State Route 415 Avoca NY, 14809 (Tax ID # 085.13-01-071.000), respectively. The firehouse has an assessed value of \$133,854 and the parking lot has an assessed value of \$7,000 according to the Town of Avoca 2025 tentative assessment rolls.

WFD owns personal property comprised primarily of fire apparatus and firefighting equipment. WFD owns other items of personal property that are neither firefighting equipment or apparatus and are comprised primarily of furniture and office equipment; memorabilia; and miscellaneous property. The approximate values of the assets of WFD based upon the current agreed upon values for insurance are as follows: \$893,000 apparatus and rolling stock; \$44,407 firemanic equipment; \$5,000 building equipment and furniture; \$250 memorabilia; and \$5,000 miscellaneous equipment.

(2) The value of the cash assets of AFD is approximately \$169,000 AFD owns real property with an estimated value of \$157,188. AFD owns personal property comprised primarily of fire apparatus and firefighting equipment. AFD owns other items of personal property that are neither firefighting equipment or apparatus and are comprised primarily of furniture and office equipment; memorabilia; and miscellaneous property. The approximate values of the assets of AFD are as follows: \$1,980,000 apparatus and rolling stock; \$750,000 firemanic equipment; \$100,800 building equipment and furniture; \$5,000 memorabilia; and \$10,000 in miscellaneous equipment.

(i) WFD does not have any indebtedness or liabilities and does not anticipate incurring any indebtedness or liabilities before consolidation apart from those costs reasonably and necessarily incurred in bringing about the consolidation; which costs are expected to be less than \$10,000.00.

AFD has long-term bonded indebtedness in the amount of \$405,000 held by the Bank of Greene County. AFD does not intend to incur any further debt obligations prior to the effective date of the consolidation.

- (j) The terms for disposition of WFD assets are as follows: all cash assets and tangible personal property assets of WFD will be transferred to AFD on or after the effective date of the consolidation pursuant to this Proposed Joint Consolidation Agreement. To the extent that any asset transfers may be necessary before the effective date of the consolidation, the Board of Fire Commissioners of WFD may hasten the transfer of certain assets to AFD for AFD's provision of fire protection services for those properties within the current boundaries of WFD for calendar year 2025 pursuant to a separate resolution. All future tax levies on parcels included within the current WFD will be collected as part of the Avoca Fire District.
- (k) Both of the local government entities to be consolidated are governed by the same statutory and regulatory mandates and no need for the common administration of and uniform enforcement of such mandates is expected to be needed under this Proposed Joint Consolidation Agreement. The Fire District Secretary for AFD will serve as the Fire District Secretary for the consolidated AFD and will assume custody and control of all of the official records of WFD and AFD following consolidation, and will maintain all such records going forward pursuant to the LGS-1 or other document retention schedule mandated by law. The Fire District Treasurer for AFD will assume custody of all of the finances and financial records of WFD following consolidation and will serve as the Fire District Treasurer for the consolidated AFD.
- (l) The effective date for the consolidation is September 1, 2025.
- (m) The date, time, and location of the statutorily required Joint Public Hearing on the Proposed Joint Consolidation Agreement is July 14, 2025 commencing at 6:00 PM at the Avoca Fire Station 7 Chase Street, Avoca, NY 14809.

DESCRIPTIVE SUMMARY OF THE PROPOSED JOINT CONSOLIDATION AGREEMENT OF AVOCA FIRE DISTRICT AND WALLACE FIRE DISTRICT

The Board of Fire Commissioners of Avoca Fire District and the Board of Fire Commissioners of Wallace Fire District propose this Proposed Joint Consolidation Agreement to provide for the consolidation of the two fire districts into a single, consolidated local government entity as defined by General Municipal Law §750(3).

The consolidation will bring about the combination of two contiguous local government entities resulting in the consolidation of the Wallace Fire District (“WFD”) into and becoming part of the Avoca Fire District (“AFD”) with governance of the consolidated fire district being assumed by AFD. The name of the consolidated local government entity shall be “Avoca Fire District” and upon consolidation, WFD shall be the terminated local government entity. The proposed effective date of the consolidation is September 1, 2025.

The provision of fire protection and emergency services in the newly consolidated local government entity will be unaffected and unchanged from past practices with the exception that primary responsibility for the entirety of consolidated Avoca Fire District shall be the charge of the Board of Fire Commissioners of AFD. The constituent fire companies within the fire district: Avoca Hose 1 and Wallace Volunteer Fire Department, Inc. shall be under the control of AFD pursuant to Not-for-Profit Corporation Law § 1402(e) and Town Law Article 11.

Avoca Hose 1 and Wallace Volunteer Fire Department, Inc., operating under the auspices of the Board of Fire Commissioners of AFD will continue to be the primary providers of active duty firefighting and emergency response personnel who shall continue to serve as employees of the newly consolidated local government entity.

All financial assets including all tax revenues collected by the local government entities will be remitted to the custody and control of AFD for the continued provision of fire protection and emergency services in the consolidated local government entity.

AFD will be obligated to provide for the provision of fire protection and related emergency services to those properties within the component local government entity Avoca Fire District and the component local government entity Wallace Fire District both of which will be deemed to be included and incorporated within the boundaries of the new consolidated local government entity.

The Board of Fire Commissioners of AFD will become the Board of Fire Commissioners of the consolidated AFD and be the authority having jurisdiction over the prevention and extinguishment of fires within the entirety of the former component local government entity known as Wallace Fire District.

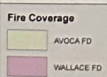
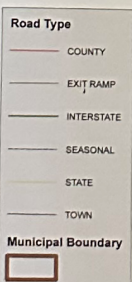
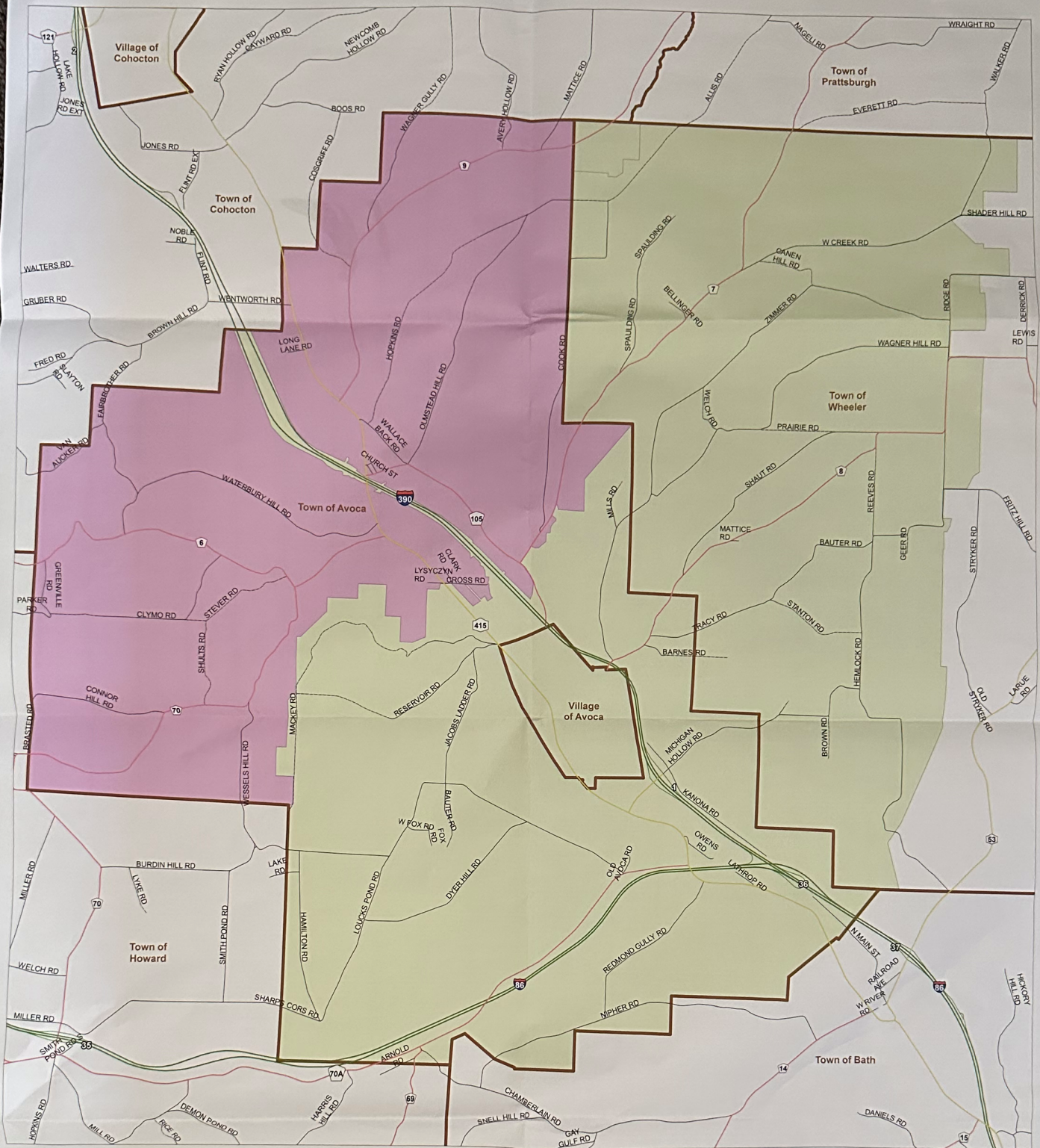
Commencing on the effective date of the consolidation, those taxable parcels currently within the boundaries of the WFD and AFD will be contained within the consolidated AFD and be subject to taxes levied by AFD. In the event that such parcels cannot be integrated into the 2026 tax levy, all tax revenues levied on behalf of WFD for 2026 will be paid over to the consolidated local governmental entity by the Town of Avoca or County of Steuben. All resident electors of the current WFD and AFD will automatically become resident electors of the consolidated Avoca Fire District pursuant to General Municipal Law §765 and Town Law §175(2).

The date, time, and location of the statutorily required Joint Public Hearing on the Proposed Joint Consolidation Agreement is scheduled for Monday July 14, 2025 commencing at 6:00 PM at the Avoca Fire Station, 7 Chase Street, Avoca, NY 14809.

SCHEDULE "A"
MAP OF CONSOLIDATED DISTRICT

The pink and yellow shaded areas will comprise the new consolidated entity.

Avoca and Wallace Fire Districts



Avoca Fire District Total Area = 37 Square Miles
 Avoca Fire District Area within Wheeler = 18.7 Square Miles
 Avoca Fire District Area within Avoca (Town+Village) = 18.3 Square Miles
 Wallace Fire District Total Area = 18.1 Square Miles

