

**PROPOSED ELECTOR INITIATED DISSOLUTION PLAN FOR THE WEST  
BRIGHTON FIRE PROTECTION DISTRICT**

**PURSUANT TO GENERAL MUNICIPAL LAW SECTION 782**

A. ENTITY TO BE DISSOLVED

The entity to be dissolved is the West Brighton Fire Protection District.

B. TERRITORIAL BOUNDARIES

The territorial boundaries of the West Brighton Fire Protection District are that part of the Town of Brighton, County of Monroe, State of New York that is North of the Henrietta Town Line, South & West of the Erie Canal, South & East of the Genesee River, specifically including, but not limited to, the properties located on the following streets or portions thereof located in the above described territory: Alexander Hall, Bastian Rd, Brighton-Henrietta Town Line Rd, Brightwoods Ln, Bronx Dr, Canal Hall, Centre Dr, Conant Rd, Crittenden Rd, Delaware Ave, Doncaster Rd, East Henrietta Rd, East River Rd, East Squire Dr, Furlong Rd, Helen Rd, Idle Ln, Jefferson Rd, Lantern Ln, Norman Rd, Park Cir, Pioneer Hall, Quinby Rd, Remington Pkwy, Richardson Rd, Riverside Dr, Southern Dr, South Clinton Ave, Southland Dr, Sunnyside Dr, Sylvia St, West Henrietta Rd, West Squire Dr and Woodsmeadow Ln.

C. TYPE AND OR CLASS OF ENTITY

The West Brighton Fire Protection District is a Fire Protection District organized and existing under Article 11 of the Town Law of the State of New York.

D. FISCAL ESTIMATE OF COST OF DISSOLUTION

The 2021 fire district tax rate for Henrietta residents is \$3.18/\$1000. This rate is subject to change annually as the budgetary needs of the district become clear. The Henrietta Fire District is just beginning its budgetary process for 2022. It is difficult to accurately predict what the tax rate will be going forward due to a number of factors. These include, but are not limited to, labor contract negotiations, changes in assessed value, new construction and modification of services delivered. However, upon review of relevant information available at this time, the best estimate for a fire tax rate per \$1000 based on current total combined valuation of \$4,575,206,087 is as follows: 2022 - \$3.25; 2023 - \$3.43; 2024 - \$3.51 and 2025 - \$3.58. The extension of the current Henrietta Fire District boundaries to include the WBFPD area will require the district to purchase one (1) fire engine to ensure that a more reliable piece of equipment is in service earlier than originally deemed necessary by its current long term plan. Henrietta Fire District proposes that the Town of Brighton provide the funding for the purchase of one (1) Fire

Engine, with an approximate cost of \$500,000. There are no other costs anticipated to be borne by the Town of Brighton.

E. PLAN FOR TRANSFER OR ELIMINATION OF PUBLIC EMPLOYEES

The West Brighton Fire Protection District is currently managed by a District Administrator on a part time basis, at an annual salary of \$5,171 as of January 1, 2021 . The position of District Administrator would be eliminated upon dissolution. The individual who serves in this District Administrator position also serves as Fire Marshal to the Town of Brighton and receives separate compensation for said position. It is anticipated that the individual would continue in his position as Fire Marshal and would continue to be paid his current Fire Marshal salary and benefits in retaining that position.

F. ASSETS OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT

The assets of the West Brighton Fire Protection District are:

1. Fire Protection District funds deposited at Bank of America and JPMorgan Chase Bank in the approximate amount of \$72,000.00, Fire Engine 503 – a 2003 pumper recently sold at auction by the Receiver of the West Brighton Fire Department for a gross sale price of \$10,100.00 ;
2. Length Of Service Award Program (“LOSAP”) account balance held at Bank of America which will be distributed to vested participants.

The fire station at 2695 West Henrietta Road would become an asset of the Henrietta Fire District. The current plan is to continue to use it as a firehouse as outlined herein, however the Henrietta Fire District reserves the right to alter, renovate or abandon the firehouse, including the right to sell the property in its sole discretion, upon terms it deems appropriate and in the best interests of the fire district. As of January 1st, 2022, the Henrietta Fire District would take possession of the building and station an engine there. Simultaneously, a thorough review would take place of the building and the district would identify issues as either of immediate concern or long-term concern. All other assets which were used by the West Brighton Fire Department have been or presently are being liquidated by the Receiver and distributed in accordance with the Stipulation and Order entered into by New York State Supreme Court in resolving the litigation between the Town of Brighton/West Brighton Fire Protection District and the West Brighton Fire Department and its members. After distribution of the proceeds of the net proceeds from the Receiver there are any surplus funds payable to the West Brighton Fire Protection District, the funds will be applied to the purchase of the \$500,000.00 fire engine which Henrietta Fire District will be acquiring as it extends its district to cover the West Brighton Fire Protection District.

#### G. LIABILITIES AND INDEBTEDNESS OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT

The liabilities and indebtedness of the West Brighton Fire Protection District are:

1. The West Brighton Fire Protection District maintains a LOSAP for volunteer members of the West Brighton Fire Department, Inc. The West Brighton Fire Protection District anticipates that the LOSAP program will be cashed out as part of the dissolution, with vested members of the program receiving the actuarial adjusted amount of their benefit as of the time of dissolution.

If needed, the West Brighton Fire Protection District will issue a bond prior to December 31, 2021 to cover the cost of the \$500,000.00 fire engine required by the Henrietta Fire District to the extent that such funds are not available to be paid from the fund balance of the West Brighton Fire Protection District prior to December 31, 2021. The outstanding debts, liabilities and obligations of the West Brighton Fire Protection District shall, upon dissolution, be assumed by the Town of Brighton and shall be a charge upon the taxable property within the limits of the dissolved West Brighton Fire Protection District and will be collected in the same manner as town taxes all as provided pursuant to General Municipal Law Section 790.

#### H. AGREEMENTS ENTERED INTO WITH TOWN OF BRIGHTON OR OTHER MUNICIPALITIES IN ORDER TO CARRY OUT DISSOLUTION

The West Brighton Fire Protection District is currently under contract with the City of Rochester to provide fire protection and EMS first response in the District. This contract will terminate upon the effective date of dissolution and the absorption of the West Brighton Fire Protection District into the Henrietta Fire District. The Town of Brighton has retained counsel to advise it during the carrying out of the dissolution, under the terms of an engagement letter with counsel. The Town anticipates that certain expenses will be due to Penflex, the administrator of the LOSAP program for the West Brighton Fire Protection District, in connection with the planned termination of the LOSAP program. The amount of those expenses is currently anticipated to be approximately \$9,000.

#### I. MANNER AND MEANS BY WHICH RESIDENTS OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT WILL CONTINUE TO BE FURNISHED MUNICIPAL SERVICES FOLLOWING DISSOLUTION

The Henrietta Fire District proposes to absorb the current area located in the Town of Brighton and known as the West Brighton Fire Protection District into the Henrietta Fire District. This process would include the WBFPD being dissolved by the Town of Brighton and simultaneously the boundaries of the Henrietta Fire District would be

expanded to include those areas previously known as the West Brighton Fire Protection District. This process would require public hearings and subsequent approvals by the Town Boards of Brighton and Henrietta, as well as the written consent of the Henrietta Fire District Board of Fire Commissioners. This proposal is expressly made contingent upon completion of the required legal process on or before September 15, 2021.

The Henrietta Fire District is considered an All Hazards department, providing fire suppression, BLS Medical First Response, technical rescue, and hazardous materials response. Additionally, we provide fire prevention/community risk reduction services to residents, schools and businesses. These services are currently provided by one hundred twenty (120) firefighters and officers (65 volunteer, 55 career) and are supported by four public safety dispatchers, administrative staff and a mechanic.

The Henrietta Fire District anticipates a phased in approach to provide the safest and most cost effective protection for the West Brighton Fire Protection area. Protection of the area would initially be provided from existing Henrietta Fire District stations. Based on a Google Maps review, the addresses in West Brighton east of Rt 390 are better served by the existing station at 230 Pinnacle Road ( career staffed engine with two firefighters and an officer) rather than the West Henrietta Road station. Similarly, most of the East River Road corridor is closer to the station at 9 Riverview Drive (volunteer station).

850 Bailey Road (career staffed engine with two firefighters and an officer, career staffed ladder with two firefighters and an officer, and a career Battalion Chief), as well as the relocating of an engine to the West Brighton station on West Henrietta Rd , would cover the heart of the West Brighton area. 2022 would allow for the hiring and training of additional career and volunteer staffing, with the anticipation of staffing a career engine with two firefighters and an officer as well as a volunteer engine at 2695 West Henrietta Road no later than January 1 st, 2023.

Current staffing allows for a minimum of thirteen career firefighters and officers on duty at any one time. By January 1, 2023, that minimum staffing would increase to sixteen career firefighters and officers on duty. With this minimum staffing, combined with command staff and volunteer staffing, we will meet NFP A 1710 requirements.

The Henrietta Fire District Board of Fire Commissioners elected by the taxpayers would provide oversight and be responsible for fiscal control of the combined entity. The Henrietta Fire District Secretary/Treasurer will have day to day control of the business and human services operations. The fire suppression, emergency medical services, training, fire prevention activities, and all other operational functions will be under control of the Henrietta Fire District Fire Chief. Both of these positions are full time paid positions.

The Henrietta Fire District will provide fire protection to the former WBFPD with a combination of career firefighters and officers as well as volunteer officers and firefighters, and seven (7) support staff ( dispatchers, mechanic, secretary /treasurer and clerk). The combination of career and volunteer firefighters and officers will allow the Henrietta Fire District to provide a high level of service at a reasonable cost to the citizens.

The cadre of firefighters and officers meets or exceeds all OSHA and NYS training requirements. The career firefighters meet all NYS statutory requirements for training for career personnel. The volunteer firefighters also exceed NYS requirements for basic and annual training. All career firefighters and officers are certified to a minimum of NYS EMT, as are many volunteers.

The Henrietta Fire District will provide all services to the WBFPD area that are currently provided to the HFD. These include fire suppression, first response EMS, fire prevention programs (including but not limited to: businesses, day care facilities, governmental agencies, youth groups etc.), special operations such as confined space rescue, trench rescue, and ice/water rescue, hazardous materials mitigation at the operations level, natural disaster assistance, and response to other emergencies as needed. Monroe County would continue to provide fire investigation and hazardous materials mitigation at the technician level.

Henrietta Fire District will be stationing an engine at the West Henrietta Rd firehouse on January 1, 2022. The staffing of this engine will, at a minimum, be by volunteers, effective the same date. Career staffing of two firefighters and an officer is predicated on hiring additional staff. This **may** occur at the end of 2021, dependent on funding. If funding can be secured for November and December of 2021, then the career staffing should take place by January 1, 2022. If funding is not secured within that time period, then the career staffing will be accomplished with hiring after the first of the year.

J. TERMS FOR DISPOSITION OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT'S ASSETS AND DISPOSITION OF ITS LIABILITIES AND INDEBTEDNESS INCLUDING THE LEVY AND COLLECTION OF NECESSARY TAXES AND ASSESSMENTS

SEE PROVISIONS SET FORTH ABOVE

K. LOCAL LAWS, ORDINANCES, RULES OR REGULATIONS OF THE WEST BRIGHTON FIRE PROTECTION DISTRICT WHICH SHALL REMAIN IN EFFECT AFTER THE EFFECTIVE DATE OF DISSOLUTION

There are no existing Local Laws, Ordinances, Rules or Regulations of the West Brighton Fire Protection District.

L. EFFECTIVE DATE OF DISSOLUTION

The Effective Date of Dissolution will be January 1, 2022. Until the Effective Date of Dissolution, fire service will continue to be provided within the West Brighton Fire Protection District by the Rochester Fire Department, under contract with the Town.

M. TIME AND PLACE FOR PUBLIC HEARING ON PROPOSED DISSOLUTION PLAN

The Public Hearing on this Proposed Dissolution Plan was held on April 10, 2013 at 7:30 pm at the Brighton Town Hall, 2300 Elmwood Avenue in the Town of Brighton, County of Monroe, State of New York.

N. OTHER MATTERS DESIREABLE OR NECESSARY TO CARRY OUT THE DISSOLUTION

Litigation with the West Brighton Fire Department and its members was successfully settled and a Stipulation and Order entered directing the dissolution of the West Brighton Fire Department and the appointment of a Receiver who is charged with the liquidation of the assets of the Department and the distribution of the same.