

## **Village of South Nyack Dissolution Plan**

### **Steering Committee Meeting #2 - March 10, 2021 - 8:00-10:30 am**

#### **MEETING NOTES**

---

**Attending:** Dr. Michael Hogan, Village Trustee; Michael Lockett, Village Trustee; Teresa Kenny, Orangetown Supervisor; Vicki Schwaid – Citizen Rep.; Dennis Troy, Orangetown Town Council; Ben Syden, AICP Vice President, Laberge Group; Kathleen Rooney Local Government Specialist; Laberge Group; David Gilmour, AICP, Senior Planner, Laberge Group.

**News** - Mayor Lynn intends to pull out of joint police contract by June 1 and go with Piermont. The Village will need to coordinate a mechanism with Grandview for the continued sharing of the retiree health benefit liabilities. (Grandview is responsible for 23.5% of long-term liabilities of the joint police department.) In addition, with Grandview on Hudson, no longer a potential partner in the transition to Orangetown, it may have implications for the service model and on the cost for expanded services.

**Public Information Meeting Recap** – Mr. Syden reviewed actions completed in last 2 weeks. Ms. Schwaid surprised only 100 attended major information meeting last week and thought it may mean there is not a lot of engagement. Mr. Syden liked tenor without bombs or attacks. Mr. Lockett liked descriptions of process. Mr. Hogan felt parallel discussions may have helped. Supervisor attended part and liked it was clear on what getting. It can help to have repetition – as understanding of content doesn't come easily. Mr. Hogan believes transparency aids public process. Mr. Syden noted a lack of take-up with upcoming office hours.

**Subcommittee Meetings: Review & Summary of Recommendations to Date** – There have been five recent meetings plus meetings with key public officials.

**Police /Justice Court Subcommittee**– It was noted that the Police Subcommittee met prior to the notification of Grandview's likely decision to terminate the joint police department contract. Orangetown Police patrol is broken into 8 sectors (3 on the east side of Town, 3 on the west side of Town and 2 on the north side of Town.) South Nyack is the closest to the north side zone which currently has 2 sectors. The Police Sub-committee reviewed three general service model options for patrol services post Village dissolution:

- Option 1. The north end zone (zone closest to South Nyack) would increase from 2 sectors to 3 sectors. This option would increase the patrol coverage from 8 sectors to 9 sectors town-wide. This addition of a patrol unit on a 24/7 basis to cover South Nyack would require the Town the addition of five full time equivalent police officers.
- Option 2. The Town would expand the coverage area of the 2 existing north side sectors to cover the Village of South Nyack. This model would require no additional police officers.

- Option 3. The Town may determine that an alternative between Option 1 and Option 2 may best serve the needs of the community. Based on the level of activity at varying times of the day, the north side could have 2 sectors on identified shifts and 3 sectors on other shifts.

Laberge Group indicated it is important for the Town to determine the police service model and staffing. Town Board member Denis Troy suggested and Town Supervisor agreed to set up a meeting the week of 3/15 with the Town Police Chief and Commission to review the options; determine human resources and other needs of the police department necessary to serve South Nyack. Mr. Troy also noted that with Grandview on Hudson dropping out, there would be less population and geography for the Police Department to cover.

Once the service model and staffing needs are identified, the next review is related to the South-Nyack-Grandview personnel. With the new dynamic with Grandview joining with Piermont, staff may have an opportunity to Piermont. Two members of the current force are eligible to retire and the decision on retiree health benefits is important part of the equation. As such, the number of existing employees seeking employment with Orangetown may only be three.

Chief Wilson has shared a vehicle and equipment inventory with the Orangetown Police Department. The representatives of the Town's Police Department and vehicle fleet maintenance staff conducted an on-site review of the inventory. With the Grandview decision, there may also be interest in by Piermont and Grandview for identified equipment and vehicles. All assets are shared 76.5% (South Nyack) and 23.5% (Grandview on Hudson)

**Public Works** – During two recent meetings, the subcommittee reviewed the Village and Town service models. This enables service comparisons – side by side. In general, the Town will provide the same level of service as it provides to other areas of the Town. Currently, the Town Highway Department is recommending the addition of a MEO II and a Laborer to extend its highway and sidewalk services to the Village of South Nyack. A summary of the Highway Department service model was reviewed:

- Snow Plowing: Town would likely add 1 route and expand another route to cover South Nyack. Completion of a Town route is approximately 3 hours as compared to 1.5-2 hours for completion of streets by the Village.
- Snow Removal: The streets from the Thruway east to the Hudson River require snow removal due to the narrow width of the streets and the level of off street parking which impacts access by emergency vehicles. Town indicated that currently they do not have this issue in other areas of the Town and only remove snow in the business districts. The Town indicated it will have to review the matter further. Superintendent Johnson will provide the Town with mapping of its various services including snow removal.
- Leaf Schedule and Brush Schedule: See attached summary chart.

The Town Parks Department reviewed the scope of the Village Parks maintenance workload and recommended the need for 2 grounds worker positions.

The issue was raised that the Village currently provides for the service with 3 staff and the Town model for Highway and Parks potentially includes 4 positions. The option of one shared position that works in the winter for Highway and summer for Parks was discussed as an alternative. The issue of whether there is a Town residency requirement was raised. Laberge Group will coordinate with Town to determine residency issue and if necessary, whether a waiver can be requested. A meeting is going to be set up with Rockland County Civil Service to determine processes and options available for hiring Village employees by the Town and elsewhere in the County. There of course are no guarantees of hire.

#### **Administration & Finance –**

- Assets & Liabilities Laberge Group is working with the Village Treasurer to examine both assets and liabilities. There are two bonds and one BAN outstanding as of 5/31/20. The BAN will be paid off in September of 2021 and as of the end of 2022, the 2008 Bond issue will only have one principal and one interest payment remaining. The Village is currently working with NYPA to purchase streetlights and convert lamps to energy efficient lamps. The total project cost is anticipated to be financed by NYPA and will become an additional Village liability. Additional liabilities include the Village compensated absences. The Joint Police Department has expensed the value of its compensated absences as of 5/31/21; however, has not paid them out. Laberge Group has asked for confirmation regarding all pending litigation with Village and Police.

Mr. Syden notes questions have come up with litigation around former Nyack College site and LG has tried to pose frameworks around legal questions with some basic responses provided. Upon dissolution, Town would define if it wants to continue with the lawsuit. Payments/ terms would likely be assessed against VoSN, as would costs of legal challenge.

Retiree Health Insurance –Retiree health care costs is a large component of the Village liabilities. There is not an actuarial estimate of the long term liability post dissolution. Currently the annual retiree health cost to the Village is approximately \$200,000 . If more employees retiree, the annual cost would go up and could on average be another \$75K per year. The average obligation per person may be about \$25k. (A family plan is higher; an individual plan is lower). Once retirees hit Medicare eligibility, the obligation typically drops. Retiree healthcare costs would be a legacy Village cost charged back to former village taxpayers on their tax bill.

Mr. Hogan asked if the Village could just payout the liability. The likelihood of enough assets to cover this cost in full is low. There is the potential partial offset of this liability depending on the final determination of liabilities and assets. Ben Syden said this process will determine how it will go: Town could be paid to take over, or Town could just take over (unlikely) or there could be a negotiated payout with employees.

Determination of the value of large assets such as facilities is typically made using appraisals; however, Laberge Group typically suggests Villages wait until after the final approval of the Plan and the completion of the 45-day period is completed. In the interim, the full value

calculated from the assessed value will be used to provide preliminary estimated of value for critical assets.

**Land Use** – Town has to decide whether it will in the short term accept and administer Village codes with marginal changes and procedural changes, develop a new code when the Town updates its code, or will it develop new zoning from day one. The Village developed prior to zoning and therefore has smaller lots and higher density, so there are built form differences. The Subcommittee identified for example a key difference in the procedural aspect of handling of certain building permits by single family homes. Currently in the Village these are forwarded to the Planning Board for review and in the Town they are not.

Since the Town is working on comprehensive plan and zoning, taking on an added increment to review Village could be challenging. It may be difficult to match timing of comprehensive planning and the schedule with regards to whether and how Village laws are incorporated into Town system according to thresholds established by NYS for dissolution – would not want to fall behind with establishing new zoning for the Village footprint and be forced to accept all existing laws.

One option may be for the Town to initially absorb the Village Code amended for procedural requirements, with some necessary procedures changed to aid an integration. There are many definitions and distinctions that need to be evaluated and reconciled.

The Town Supervisor acknowledged the potential benefit of not changing the zoning codes right away. At the subcommittee meeting, Dan Sullivan, Chair of the Town Zoning committee, indicated the importance of understanding from Village experts why the Village code is the way it is. As a way to tap into the Village zoning knowledge base and build familiarity with Village form and context, Roger Seiler is putting together a photomontage. A tour of the Village will also be organized with Town land use stakeholders. Town Supervisor and Councilman Troy expressed gratitude and are very interested in the tour.

Moreover it was noted that if vacancies arise on Town land use boards, it can be beneficial to consider appointing Village members of the planning and/or zoning boards who are familiar with current systems. Alternatively, the Town could form an advisory committee to guide and assist questions/ issues that come up with review of development in former Village. Supervisor Kenny expressed an interest in discussing the temporary advisory board, and will broach the subject with her full board. The Village of South Nyack does not have a locally designated historic district, and it was recommended that the Town consider adopting a local historic district in the village upon dissolution, and include the area for review by the Town's historic preservation committee during land use issues before the Planning and Zoning Boards. (A draft national historic preservation district application from 2011 was uncovered during research)

Town staff, based on volume of activity in Village, anticipates the Town will need an additional professional staff position to cover the code enforcement, building inspection and fire inspection workload from the Village. Additional support staff support was recommended for the increased

activity of the Planning and Zoning Board of Appeals. The Town Supervisor understands that there is not a high level of Planning Board business; rather, it seems activity to be more oriented to building permits, code compliance, and enforcement, inclusive of tenancy changes and Fire Marshall Coordination.

### **Records Management-**

Land Use Records – Both electronic and paper records will need to be transmitted. The Town will need to achieve/ storage for both types, so there is some examination of how to address this integration. In terms of staffing additional staffing, there likely would need to be some currently undefined level of additional Clerks support within the Town associated with the broad general topic land use administration might

Justice Courts Records – There are more onerous and different requirements for security in terms of records management for this category. LG sent TJs Village data on caseloads (pre-COVID). Will see if it impacts their initial thoughts.

Village Records. Village records including financial records will become the responsibility of the Town Clerk.

A meeting with the Town Clerk and the Town Information Technology Officer will be set up.

Laberge Group recommends that the Village have appraisals prepared for its buildings under consideration for selling or transfer. Laberge Group is using full value, calculated by applying the equalization rates to the assessed value as an estimated value of the properties at this stage.

Laberge Group is encouraging dialogue among municipalities on potential fate of assets. First, the Town should identify what it may want/need to provide services to the Village. The Village may auction any or all of its properties and equipment. The Village may transfer or sell the assets to the Town or other municipalities. If Village assets are not liquidated at the time of dissolution, those assets become the property of the town and they may use the properties as it wishes. The Town Supervisor may initiate an internal meeting with department heads to review the potential needs for any of the Village assets. The Town Supervisor would like to hear from Village in terms of what assets they recommend be maintained by the Town. For example, it was noted that the Village has a parking lot that is a critical service due to the significant lack of off-street parking; particularly during snow storms. While the Village has the right to sell various assets, Mr. Syden noted, if Town needs to buy things, there may be a benefit to selling items to the Town instead of an auction. All funds raised by the sale could give back money to be used to pay down liabilities.

**Dissolution Date** – Laberge Group cannot recommend Dec. 2021 due to the tight schedule as laid out: the Plan needs to be accepted by mid-June and within 35-90 days the Village must hold a public hearing which would be in a July to Sept. window. Once the public hearing has taken place, the Village has 60 days to amend the plan and approve a final dissolution plan. This plan; however, is then subject to a permissive referendum, which has a waiting period of 45 days.

This could push the end date into mid-November; and it is therefore, not recommended that the Village attempt to dissolve within a month. Other options under consideration are 3/31/22 (Mr. Syden does not like as it is still too close to get all of the dissolution and transition work completed); May 31, 2022 to coincide with the end of the Village fiscal year or 12/31/22 to coordinate with end of the Town fiscal year and new Town budget.

After much discussion, the date of 12/31/22 was selected in order to give the Village time to close down, to sell off assets and to close the liabilities; and for the Town to staff up to provide services to the Village and to potentially adopt parts of the Village Zoning into its code.

Mr. Hogan re-affirmed that inter-municipal agreements (IMAs) between the Village and Town could be used during the transition phase should the Village need assistance providing Village services should staff leave before the end of the Village. The use of IMAs could be a mechanism making service provision transitions prior to the formal dissolution date. There would be zero fiscal impact/ zero cost to Town -- Village pays Town for services and eases transition, but it leaves time for records transition, etc. Mr. Lockett felt residents would experience/ see easy change. Vicky Swaid likes the IMA concept to stair-step the plan and it helps residents prepare for the dissolution and potentially have gradual implementation of the changes.

Upon, reinstatement by New York State, the Citizens Re-Organization Empowerment Grants can provide \$50k for implementation actions.

#### **Next Steps –**

- Records Management – Following from notes above, there is a need for meeting involving Town Clerk and IT staff to look into electronic & paper records transfer and integration. Figuring out tact with IT conversion is important. Laberge Group advises may want to pursue a joint application for a Records Management Grant to aid Town dissolution, definitely next if not this year if and when a funding announcement is made.
- Internal Town meet with department heads on review of potential assets needed.
- Meet with police and the subcommittee to discuss what is happening in GVoH
- Review laws integration
- Meet with Planning Dept on Zoning tact (and talk with Town Board more on same)
- Confirm ‘building/ land use’ fiscal and administrative attributes and requirements and options for integration (one Town Building Inspector has previous experience in VoSN).
- Outline of plan – roughly two weeks out & Draft plan end of April.
- Once plan finalized, Laberge Group will provide checklist of things to do from point of dissolution forward.
- Hold sub-committee meetings over the next two weeks – police and land use hopefully.
- Schedule another steering group meeting in 2 or 3 weeks.
- Meeting notes for past Finance and Administration and Land Use Subcommittee meetings are in process.

DRAFT  
 Department of Public Works  
 Current Village – Post Dissolution  
 Comparison

<b>Service</b>	<b>Village Current</b>	<b>Post Dissolution</b>
Snow Plow	1.5 to 2 hour run	3 hour run
Snow Removal	Snow is removed on streets east of the Thruway all the way to the Hudson River	Town currently only removes in business districts. Town to review South Nyack issue of narrow streets, parked cars and snow.
Yard Waste Pick-Up	Pick up 2 times/week	During the period: 3/2-10/30, there will be 7 pickups on a five week rotating schedule
Leaf Pick Up	Daily pick up 10/15-12/15	During the period: 11/1-12/20, there will be 3 pick-ups
Sidewalk Snow Removal	<p>Only plow in front of village owned properties and crosswalks.</p> <p>Property Owners responsible for snow and ice control.</p>	Town maintains 150 miles of sidewalks and snow plows using Town Sidewalk snow and ice safety plan which includes sidewalks along major roads and access to schools. Town will determine Village sidewalks for inclusion in Sidewalk Safety Plan. Residential property owners not required to provide snow and ice control on sidewalks
White Goods Pick- Up	Pick up 2 times/week	Provided by the Private Refuse Collection provider.