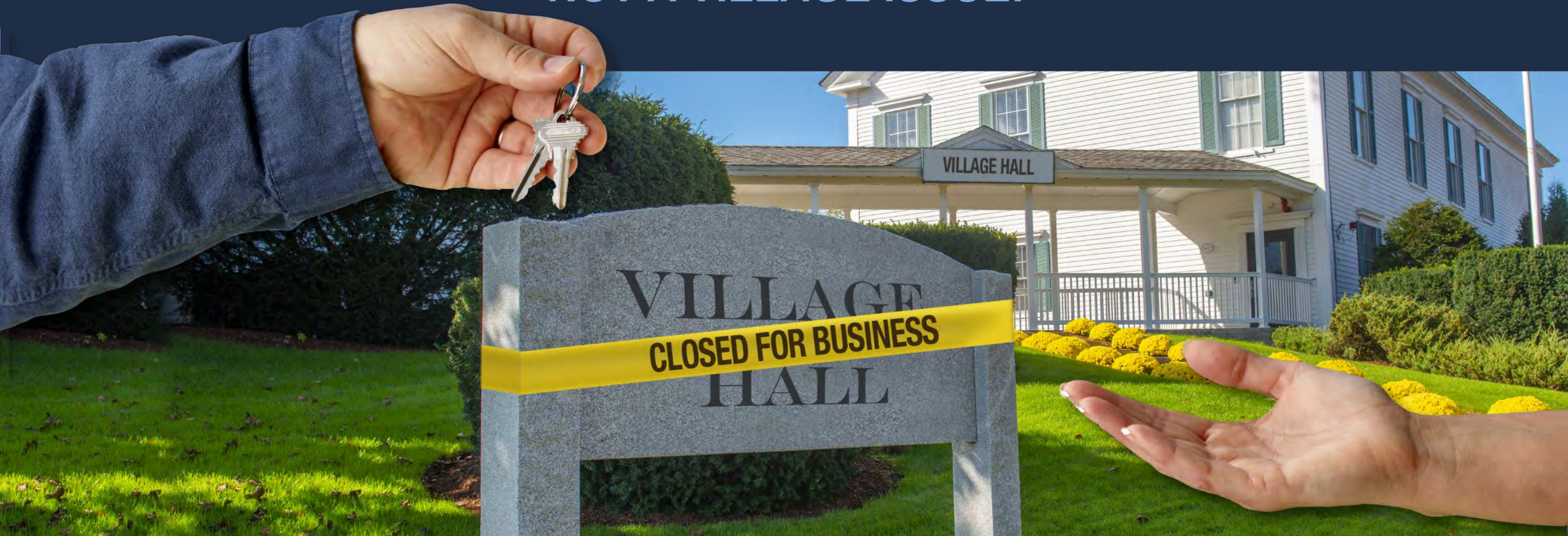


DO NOT BE FOOLED!
VILLAGE DISSOLUTION IS A *TOWN ISSUE*,
NOT A VILLAGE ISSUE!



GOVERNMENT OPERATIONS EXPERTS

THE STATE'S MOST EXPERIENCED TEAM IN DISSOLUTION IMPLEMENTATIONS



BEN SYDEN, AICP

VICE PRESIDENT

LABERGE GROUP



NICOLE ALLEN, AICP

DIRECTOR OF PLANNING
AND COMMUNITY
DEVELOPMENT

LABERGE GROUP

- Village of Fort Johnson Dissolution Plan and Implementation
- Village of South Nyack Dissolution Plan and Implementation
- Village of Mastic Beach Dissolution Plan and Implementation
- Village of Port Henry Dissolution Plan and Implementation
- Village of Salem Dissolution Plan and Implementation
- Village of Van Etten Implementation
- Village of Wolcott Interim Dissolution Study
- Village of Spencer Interim Dissolution Study
- Village of Highland Falls Interim Dissolution Study
- Village of Lake George Interim Dissolution Study
- Village/Town of Pawling Interim Consolidation Study



VILLAGE DISSOLUTION IS A TOWN ISSUE

AGENDA

- Legislation and History
- Why is a Dissolution Process Initiated?
- Primer on the Dissolution Process
- Why is Village Dissolution a Town Issue?

NEW YORK STATE PRECEDENT AND ENABLING LEGISLATION

- Prior to 2010, 39 New York Villages had been dissolved.
- Effective March 21, 2010 – New York State General Municipal Law 17-A “Dissolution and Dissolution of Local Government.” Under Article 17-A, **19 Villages have chosen to dissolve, 30 voted not to.**
- NYS GML 17-A provides guidance for citizens and local governments regarding Dissolution and Dissolution of government bodies, duties and roles.
- Citizen Empowerment Tax Credit = 15% of the Village and Town general fund tax levy.

VILLAGES DISSOLVED 1900-2024

Roxbury – 1900
Prattsville – 1900
Rifton – 1919
LaFargeville – 1922
Brookfield – 1923
Oramel – 1925
Newfield – 1926
Pleasant Valley – 1926
Marlborough – 1928
Northville – 1930
Old Forge – 1933
Forestport – 1938
North Bangor – 1939
The Landing – 1939
Downsville – 1950
Amchir – 1968

Prattsburg – 1972
Pelham – 1975
N. Pelham - 1975
Fort Covington- 1976
Friendship – 1977
Belleville – 1979
Rosendale – 1979
Savannah – 1979
Elizabethtown – 1981
Bloomingdale – 1985
Pine Hill – 1985
Woodhull – 1986
East Bloomfield – 1990
Holcomb – 1990
Pine Valley – 1990
Ticonderoga – 1992

Westport – 1992
Henderson – 1992
Schenevus – 1993
Fillmore – 1994
Mooers – 1994
Andes – 2003
Pike - Wyoming – 2009
Limestone – 2010
East Randolph – 2011
Randolph – 2011
Perrysburg – 2011
Seneca Falls – 2011
Edwards – 2012
Altmar – 2013
Keeseville – 2014
Bridgewater - 2014

Lyons – 2015
Prospect - 2015
Salem - 2016
Hermon - 2016
Forestville - 2016
Macedon - 2017
Port Henry - 2017
Herrings - 2017
Barneveld – 2017
Cherry Creek - 2017
Mastic Beach - 2017
Harrisville – 2018
Van Etten – 2018
Morristown – 2019
South Nyack – 2022
Fort Johnson – 2023

WHY IS A DISSOLUTION PROCESS INITIATED?

CITIZEN-INITIATED REASONS

There are as many reasons for a citizen-initiated dissolution process as there are citizens in the Village.

I lost my race for mayor.

I think there are opportunities for efficiency.

I was cited for snow on my sidewalk.

I don't like the mayor.

Too many layers of government.

The village food truck law is affecting my business.

WHY IS A DISSOLUTION PROCESS INITIATED?

BOARD-INITATED REASONS

We don't have people interested in running for office.

We don't provide any distinct services - they're already consolidated with the Town.

We hear there is a petition being circulated and want to get ahead of it.

We have staff recruitment and retention issues.

The Village and Town want to look into a new way of operating and want to start a reorganization study.

BOARD-INITIATED PROCESS

- The Board passes a resolution to begin the process.
- The Board-driven process has no stipulated timeline.
- The Board develops and accepts a dissolution plan.
- The proposed plan is published/displayed and a public hearing is held.
- After a public hearing, the Board may choose whether or not to amend the plan and whether or not to proceed further.
- The final plan is approved.
- Referendum is held if the Board decides to proceed.

BOARD-INITIATED PROCESS

IF VOTE IS “NO”

Dissolution will not take place.
The process may not be reinitiated for at least four years.

IF VOTE IS “YES”

The plan will become effective on the date stipulated.

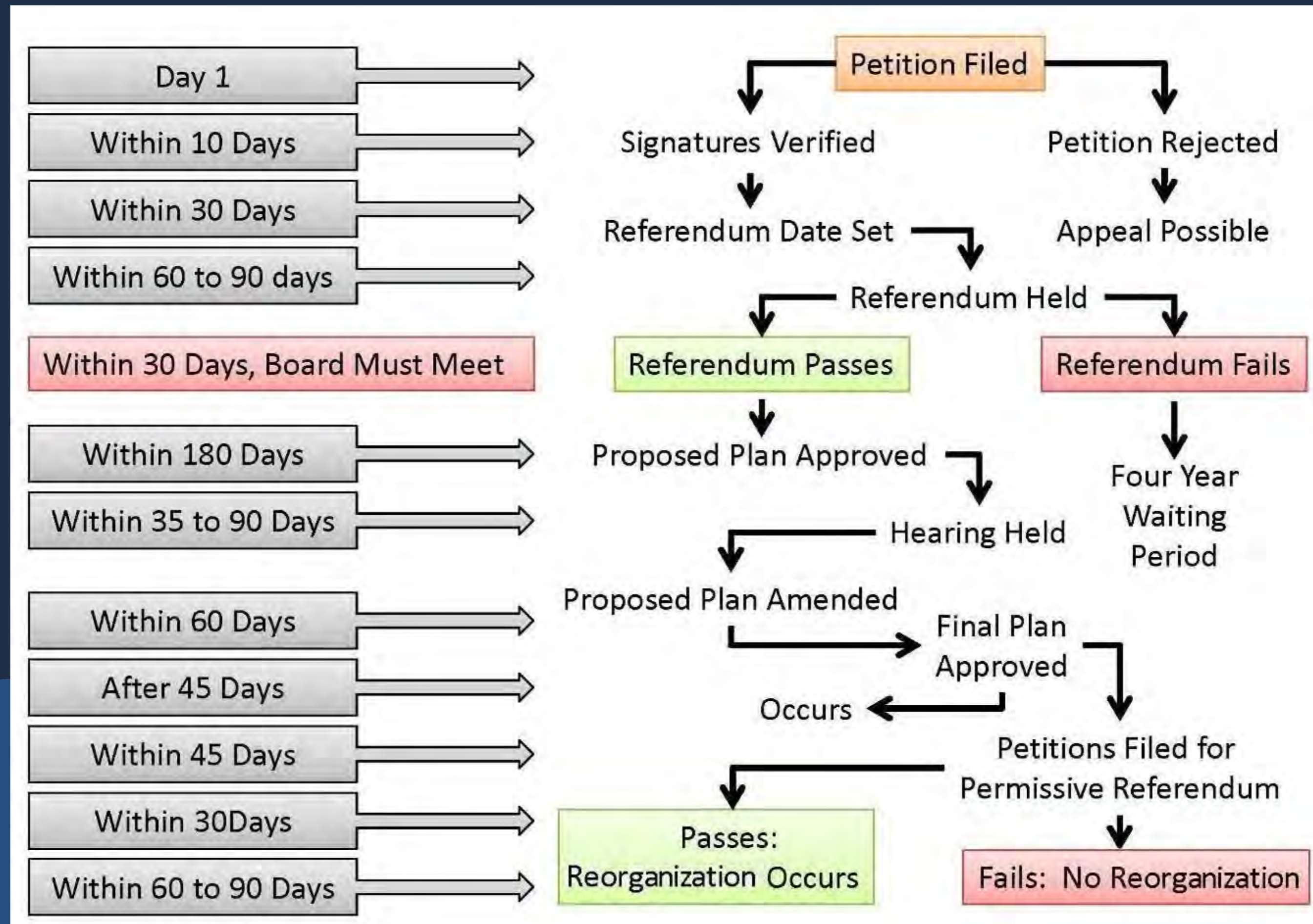
CITIZEN-INITIATED PROCESS

- “The Reorganization and Citizen Empowerment Act provides a process for citizens to petition for a public vote on dissolving or consolidating local governments. The Dissolution or Consolidation process may also be initiated by a local governing board.”
- The first step shall be a petition, said petition must be signed by at **least 10%** of the number of electors (**20% if the number of electors in the Village is less than 500**).
- The petition is to vote on dissolution, not to prepare a study to look at the topic.

CITIZEN-INITIATED PROCESS

- Electorate of a Village submits a petition for Dissolution.
- Village Clerk reviews and certifies the petition.
- Village Board meets to enact a resolution calling for a referendum on the proposed Dissolution no less than 60 days and no more than 90 days from the meeting. The date of the referendum is set.
- No further action is required of the Village Board until after the referendum.
- The Village can choose to provide information prior to the referendum in the form of an Interim Dissolution Study.

CITIZEN-INITIATED PROCESS



IF VOTE IS “NO”

CITIZEN-INITIATED PROCESS

- Dissolution will not take effect; nothing further will occur.
- Dissolution process may not be initiated again for 4 years from the date of the referendum.
- The Village and Town may focus on shared services with other entities to reduce costs and improve quality.
- The Village and Town, or their residents, can still pursue a consolidation, but that is very rare.

IF VOTE IS “YES”

CITIZEN-INITIATED PROCESS

The Village Board:

- Shall meet within 30 days to create a committee & set schedule.
- Shall approve a Dissolution Plan in 180 days or less.
- Shall have one or more public hearings following the approval of the Dissolution Plan (35-90 days after).
- Shall have up to 60 days to finalize & adopt the Dissolution Plan based on hearing(s).
- The Final Dissolution Plan is subject to Permissive Referendum (25% of the electorate). **THERE IS NOT A GUARANTEED SECOND VOTE.**
- A petition for a second referendum must be submitted within 45 days.

**ONE MUNICIPALITY CANNOT
DICTATE WHAT ANOTHER
MUNICIPALITY MUST DO**

In the event that the vote passes and dissolution is to occur, the Final Dissolution Plan lets residents know how the Dissolution will affect them:

- Provides an estimate of the cost/benefit of dissolution.
- Outlines the future conditions for the Village.
- Outlines a plan for the disposition of Village assets, liabilities, and indebtedness.
- Discusses how dissolution will affect the Village or level of service provided.
- Provides a plan for the disposition of Village assets, liabilities, and indebtedness.

**THE VILLAGE PLAN DOES
NOT HAVE TO BE FOLLOWED
BY THE TOWN**

**THE ONLY CONCRETE INFORMATION
IN THE PLAN IS THE
DATE OF DISSOLUTION**

IN REALITY, IF VOTE IS “YES”

In the event that the vote passes and dissolution is to occur, the Final Dissolution Plan will give residents **an idea** of how the Dissolution **might** affect them:

- Provides an estimate of the **potential** cost/benefit of dissolution.
- Outlines **potential** future conditions for delivery of services.
- Outlines any **potential plan** for the transfer or elimination of public employee positions.
- Discusses how **potential options** affect the quality or level of service provided.
- Reviews **possible scenarios** for the disposition of Village assets, liabilities, and indebtedness.

IF VOTE IS “YES”

- The Town has no required say in the development of the Final Dissolution Plan.
- The Town has no requirement to adopt it.
- The Town has no requirement to follow it.

TOWNS MUST PARTICIPATE

Towns often have a hands-off approach to dissolution.

“It’s a Village issue.”

While it’s still a Village decision, the Town should make themselves available as much as possible before the vote **to contribute to the development of a realistic plan.**

Should Village elect to dissolve, the Town should be full active participants in the development of the dissolution plan.

TOWNS MUST PARTICIPATE

Towns often have a hands-off approach to dissolution.

~~"It's a Village issue."~~

you must participate

you must participate

you must participate



While you do not have the formal authority to adopt the plan, ***you must participate...***

because...



VILLAGE DISSOLUTION IS A TOWN ISSUE





VILLAGE DISSOLUTION IS A TOWN ISSUE

ONE SIZE DOES NOT FIT ALL



- Each community and potential dissolution is unique.
- Distinct sets of challenges and opportunities.
- At the end of the day, they are all a Town issue.

MUNICIPAL SERVICES

- Continue or discontinue each service?
- If so, at what level?
- Create service districts.
- Determine potential organizational structural changes needed to provide services at the service levels selected.

MUNICIPAL SERVICES

PUBLIC WORKS

ISSUES OF CONCERN

- Many services / functions provided by the Village DPW may not be provided by Town Highway Department, including:
 - Water / sewer
 - Drainage
 - Refuse collection
 - Leaf collection
 - Sidewalk maintenance
 - Sidewalk snow removal
 - Plowing
 - Streetlights
 - Parks & Recreation
 - Building & Grounds
 - Support for special events



ISSUES TO ADDRESS

- Incorporate the DPW into a large Highway Department with divisions? Or create a separate Department of Utilities?
- Provide each service or not? If so, at what level? Exclusively to the former Village or Town-wide?
- Does water billing function go to Department of Utilities or Town Clerk?

EXAMPLE

Village of Wolcott / Town of Wolcott and Town of Butler

MUNICIPAL SERVICES

POLICE

ISSUES OF CONCERN

- Common for a Village to have a Police Department.
- Some Towns and Villages do not have police services.
- Other Towns and Villages both have police services – but at different levels.
- Cannot set up a special district for police.

ISSUES TO ADDRESS

- Develop a Town-wide Police Department?
- Contract with the County Sheriff to deliver enhanced services?
- Leave services as-is and let State Police and the County Sheriff Road Patrol handle calls?



EXAMPLES

- ▶ Village of South Nyack / Town of Orangetown
- ▶ Village of Highland Falls / Town of Highland
- ▶ Village of Wolcott / Town of Wolcott and Town of Butler

MUNICIPAL SERVICES

FIRE

ISSUES OF CONCERN

- Villages are required to provide fire services.
- Villages own fire houses and equipment. They often manage accounting and required training and certification of officers.
- Towns cannot provide direct fire services.

ISSUES TO ADDRESS

- What is the best way to deliver the services?
- Many configurations, but two basic legal options. Determine which is best based on the Town's fiscal and administrative capacity:
 - Fire District
 - Fire Protection District



EXAMPLES

- ▶ Village of Port Henry / Town of Moriah
- ▶ Village of Fort Johnson / Town of Amsterdam

MUNICIPAL CODES

LAND USE & ZONING

ISSUES OF CONCERN

- Villages often have zoning. Most Towns have zoning or land use, but not all.
- Districts, definitions, schedules, and special codes - often different.
- Regulatory requirements are often different. Requirement for uniformity after 2 years.

ISSUES TO ADDRESS

- Bring districts, definitions, schedules, and special into uniformity.
- Uniformity of special codes and uniformity of enforcement.
- How do Planning Boards function? What does each municipality see for site plan / subdivision meetings?
- Incorporate Village Planning Board or Special Boards, i.e.: Architectural Review Board, Historic Preservation Board, Sign Board, and/or Critical Environmental Area Board.



EXAMPLES

- ▶ Village of South Nyack / Town of Orangetown
- ▶ Village of Port Henry / Town of Moriah
- ▶ Village of Salem / Town of Salem

MUNICIPAL CODES

MUNICIPAL CODES AND ORDINANCES

ISSUES OF CONCERN

- Procedural differences between the Town and Village.
- Different ordinances – certain ordinances more appropriate for more densely populated areas:
 - Parking
 - Noise ordinance
 - Accessory dwelling units
 - Speed limits
 - Swine
- Requirement for uniformity after 2 years.

ISSUES TO ADDRESS

- Determine procedural model.
- Create ordinance uniformity. Will Town codes need to be amended to meet former Village needs?



EXAMPLES

- ▶ Village of Port Henry / Town of Moriah
- ▶ Village of Wolcott / Town of Wolcott and Town of Butler

MUNICIPAL CODES

MUNICIPAL CODES AND ORDINANCES

- This task will be quite involved given that each municipality has numerous codes, rules and regulations that will have to be reviewed, amended or in some cases rewritten.

IX. Village Laws and Regulations (Other than Zoning)

Table 11: Summary of the Code of the Village of South Nyack

N/A= No Longer Applicable; No Longer Applicable
 M= Modify: Similar to an existing Town Code, but may have unique aspects or components to be considered for inclusion or modification to Town Code
 T= Town Code to be utilized: The Town Code covers the Village subject matter and the minor differences in Code have limited utility
 R= Review: Differences exist; issues needs detailed review

Village Code	Action	Village Title	Town Chapter/Title	Notes
PT 1 ADMINISTRATIVE LEGISLATION				
Ch. 1	N/A	General Provisions	Ch. 1A General Provisions	
Ch. 5	N/A	Aggravated Tickets	Ch. 10 Appearance Tickets	
Ch. 9	N/A	Assessments	N/A	
Ch. 16	N/A	Boards & Commissions	Various	
Ch. 25	N/A	Defense & Identification	Ch. 19A Defense & Identification	
Ch. 27	N/A	Elections	N/A	
Ch. 31	N/A	Ethics Code of	Ch. 1 Ethics	
Ch. 47	N/A	Police Department	Ch. 241 Police Assistance	
Ch. 54	N/A	Residency Requirements	N/A	
Ch. 61	N/A	Traffic Violations Bureau	Ch. 34A Traffic Violations Bureau	
PT 2 GENERAL LEGISLATION				
Ch. 72	R	Advertising Materials	Town LOCAL LAW 2, 2021 Amending Town Code Re: Signs	Compare Village prohibition on posting on or detaching public property, erecting signs & supports over roads, sidewalks, etc. to Town Local Law #2, which amends Ch. 2, Ch. 24C, Ch. #3 and proposed new Chapter 31C.
Ch. 77	T	Alarm Devices	Ch. 1C Alarm Systems	
Ch. 81	T	Alcoholic Beverages	Ch. 10 Drinking in Public & Ch. 7A-8.2 Conduct in Public Areas	
Ch. 86	T	Animals	Ch. 9 Dog Control	Note: Village has more expansive definition of animals prohibited from running at large.
Ch. 93	R	Building Construction	Ch. 5 Building	Recommend technical review

Village of South Nyack • Dissolution Plan 48

IX. Village Laws and Regulations (Other than Zoning)

Title	Town Chapter/Title	Notes
Construction & Fire Prevention	Ch. 15 Application of Orangetown Fire Code	
Firemen	Ch. 6A Building, Zoning and Planning Admin	
Inspections	Ch. 6A Building, Zoning and Planning Admin	
Issuance of	Ch. 1B-1 Permit for Moving Buildings	
Public Safety	Ch. 619 Building Admin; Unsafe Buildings	
Police Department	Ch. 37 Private Buildings	
Police Department	Ch. 7C Community Crime Appraisal	
Police Department	No Comparable Found	9 pm curfew for child < 17 yrs. unless accompanied by parent/custodian
Public Safety	Ch. 6A-9 Building, Zoning and Planning Admin; electrical Inspector	
Public Safety	Ch. 11A Entertainment, Public Musical or Large Gatherings	
Public Safety	Various	Modify Town Code for authorization to impose any new fees/penalties as needed
Public Safety	Ch. 14C Filing	
Public Safety	Ch. 7A Conduct in Public Areas	Village Ch. 162 prohibits discharge anywhere in Village
Public Safety	Ch. 15 Fire Prevention	Village Code includes maintenance requirements and section on place of assembly
Public Safety	Ch. 5 Building Construction & Fire Prevention	
Public Safety	Ch. 15 Fire Prevention	
Public Safety	Ch. 14B Food Damage Prevention	
Public Safety	24C 12 Signs	Village solicitation of no more than 5 sales per year and has stricter sign control regulations
Public Safety	Ch. 16C Littering Unlawful	
Public Safety	Ch. 34A Fire Prevention Bureau	Ch. 34A follows NYS Multiple Residence Laws

Village of South Nyack • Dissolution Plan 49

IX. Village Laws and Regulations (Other than Zoning)

Title	Town Chapter/Title	Notes
Public Safety	Ch. 15 Orangetown Fire Prevention Code	
Public Safety	Ch. 22 Noise	
Public Safety	Ch. 32 Art II Notification of Defects	N/A
Public Safety	Ch. 24 Parking Lots & Meters	Modify to include operation of Brookside Avenue municipal lot & submerge fees
Public Safety	Ch. 7A Conduct in Public Areas	General use provisions similar; Village Code also defines Town Park use restrictions and dog park regulations
Public Safety	Ch. 10-C Disorderly Offenses	There may be differences in offenses; Village set variety of prohibitions, ex: play baseball or any other games; damaging streetlight, water mains, fire hydrants, fire apparatus, no congregating; stringing banners or wires; coasting on streets
Public Safety	Ch. 41 Watercourse Diversion	
Public Safety	Ch. 43	Village requires all land owners to register w/Village; Town requires all land lords to register.
Public Safety	None Identified	Village requires outdoor property improvement/maintenance contractors to register
Public Safety	Ch. 30 Sewers	
Public Safety	Ch. 17B Garbage, Ch. 26B Recycling	Village Code deals with R/R refuse, recycling & public receptacles.
Public Safety	Ch. 30 C Stormwater	Note: Village Code requires all property owners to remove snow and ice from sidewalks; Town excludes single family home properties
Public Safety	Ch. 21 Land Use Regulations	Village has special subdivision requirements for hill-sides and slopes. The Village classifies major subdivisions as more than 2 lots. Town classifies major subdivisions as more than 4 lots perquiring a new road.

Village of South Nyack • Dissolution Plan 50

IX. Village Laws and Regulations (Other than Zoning)

Title	Town Chapter/Title	Notes
Public Safety	Ch. 34 Taxation	Village Code addresses Gross, Realistic Tax & Real Property Tax Exemptions
Public Safety	Ch. 35 Trees and Shrubbery	Village code has more expansive requirements re: plantings and restrictions
Public Safety	Ch. 39 Vehicle and Traffic Regulations	Town may want to consider modifying Town Code to address Village vehicle & traffic codes such as speed limits, parking, parking restrictions, street parking, speed limits, truck routes, traffic signals.
Public Safety	Ch. 39 Vehicles and Traffic Regulations	Village Code prohibits repair work on Village streets
Public Safety	Ch. 41 Watercourse Diversion	

parking issues in the area of the Village between the Thruway and been at a premium in the Village. Chapter 410 of the Village Code dealing on Village streets, however there are a number of properties the family structures, particularly those converted to multiple family units insufficient parking. The Village has an informal practice whereby the police department and indicate they need to park overnight and issued a ticket. The issues relative to overnight parking should be addressed to the residents of the Village, the situation has been exacerbated. To address this, the Village of South Nyack has been working with the State to draft legislation providing the Village and its surviving residential parking permit system to protect residents. Should this be the town would be required to administer a residential parking permit system.

Village of South Nyack • Dissolution Plan 51

ADDITIONAL POTENTIAL SERVICES AND ISSUES TO ADDRESS

- Courts
- Library
- Property Ownership, i.e.: Salem
- Joint Services with other entities
- Grants and IMAs
- Code Enforcement

STAFFING NEEDS & EMPLOYMENT

ISSUES OF CONCERN

- What staffing titles will the Town need?
How many?
- Who fills the roles? Hire Village employees?

ISSUES TO ADDRESS

- Union contracts?
- New hires / staff transition:
 - Qualifications
 - Job classifications
 - Civil service
- Transfer of function or new employee –
accrued time for purposes of seniority?
- Time-consuming minutiae.



EXAMPLES

- ▶ Village of South Nyack / Town of Orangetown
- ▶ Village of Port Henry / Town of Moriah
- ▶ Village of Fort Johnson / Town of Amsterdam

VILLAGE ASSETS AND LIABILITIES

ASSETS

- The Town takes control of all Village assets that remain after dissolution - includes real property, equipment, vehicles, plus infrastructure including water, sewer, and roads.
- Sometimes a Village transfer assets to Town. could also give the Town first option to buy at negotiated sale.
- Those assets not needed by the Town, such as Village Hall and highway garages, can be sold. Sales can offset some of the long term liabilities. This can be structured several ways.



National Auction
If You Have It! We Can Sell It!

VILLAGE ASSETS AND LIABILITIES

LIBALITIES

- The Town secures all liabilities. However, they are charged back to those who incurred the debt.
- Outstanding liabilities that can be transferred to districts will be allocated to the relevant district, i.e.: water, sewer, and lighting.
- Non-special district-related debt, i.e.: land purchase, vehicle purchase, and capital costs, will be charged to the legacy district (former Village tax base). These include, but are not limited to:
 - Bonds
 - Long term loans
 - Retiree health benefits
 - Outstanding litigation
 - Outstanding invoices



TRANSITION REQUIRES **LEADERSHIP**

Fostering a smooth transition and safeguarding the provision of services during the interim between the dissolution referendum and the finalization of the dissolution Interim requires:

***COLLABORATION,
COORDINATION, and
CAREFUL PLANNING.***

- Employee retention during transition is key - particularly for water/sewer operators, police, and employees with specialized skills and institutional knowledge.
- IMAs provide a critical bridge to dissolution, enabling the Town to provide full coverage and retain staff.

- People's livelihoods are at stake. A pathway to employment, if there is one, must be projected and protected.
- Key to both service delivery and community wellbeing.

EXAMPLES

- ▶ Village of South Nyack / Town of Orangetown
- ▶ Village of Mastic Beach / Town of Brookhaven

TRANSITION ALSO REQUIRES ACTIVE MANAGEMENT



- Incorporate Village records into the Town system, including procuring and installing any hardware and software to maintain critical Village electronic records.
- Incorporate new services, special district, revenues and expenses into Town Budget
- As necessary, prepare a Map, Plan and Report required to establish special districts. Additional required steps may include public notices, public hearings, and multiple board actions for each new district.
- Post dissolution, close out the Village financial operations, address accounts payable and receivable, and prepare and file all year end Federal and New York State reports including the outstanding Village AUDS.
- Make necessary changes to Town property tax bills.
- Work with OSC to adjust the property tax cap.

IN THE END

MUST

Towns ~~should~~ take a

LEADERSHIP ROLE

in the development of
an interim and final dissolution plan.

QUESTIONS



www.labergegroup.com

THANK YOU



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