

DO NOT BE FOOLED!

VILLAGE DISSOLUTION IS A **TOWN ISSUE**,
NOT A VILLAGE ISSUE!



AOT ANNUAL MEETING & TRAINING SCHOOL
FEBRUARY 2024



GOVERNMENT OPERATIONS EXPERTS

THE STATE'S **MOST** EXPERIENCED TEAM IN DISSOLUTION IMPLEMENTATIONS



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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?

VILLAGE DISSOLUTION IS 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.

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VILLAGES DISSOLVED 1900-2024

Roxbury – 1900	Prattsburg – 1972	Westport – 1992	Lyons – 2015
Prattsville – 1900	Pelham – 1975	Henderson – 1992	Prospect - 2015
Rifton – 1919	N. Pelham - 1975	Schenevus – 1993	Salem - 2016
LaFargeville – 1922	Fort Covington- 1976	Fillmore – 1994	Hermon - 2016
Brookfield – 1923	Friendship – 1977	Mooers – 1994	Forestville - 2016
Oramel – 1925	Belleville – 1979	Andes – 2003	Macedon - 2017
Newfield – 1926	Rosendale – 1979	Pike - Wyoming – 2009	Port Henry - 2017
Pleasant Valley – 1926	Savannah – 1979	Limestone – 2010	Herrings - 2017
Marlborough – 1928	Elizabethtown – 1981	East Randolph – 2011	Barneveld – 2017
Northville – 1930	Bloomington – 1985	Randolph – 2011	Cherry Creek - 2017
Old Forge – 1933	Pine Hill – 1985	Perrysburg – 2011	Mastic Beach - 2017
Forestport – 1938	Woodhull – 1986	Seneca Falls – 2011	Harrisville – 2018
North Bangor – 1939	East Bloomfield – 1990	Edwards – 2012	Van Etten – 2018
The Landing – 1939	Holcomb – 1990	Altmar – 2013	Morristown – 2019
Downsville – 1950	Pine Valley – 1990	Keeseville – 2014	South Nyack – 2022
Amchir – 1968	Ticonderoga – 1992	Bridgewater - 2014	Fort Johnson – 2023

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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.

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WHY IS A DISSOLUTION PROCESS INITIATED?

BOARD-INITIATED 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.

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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.

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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.

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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.

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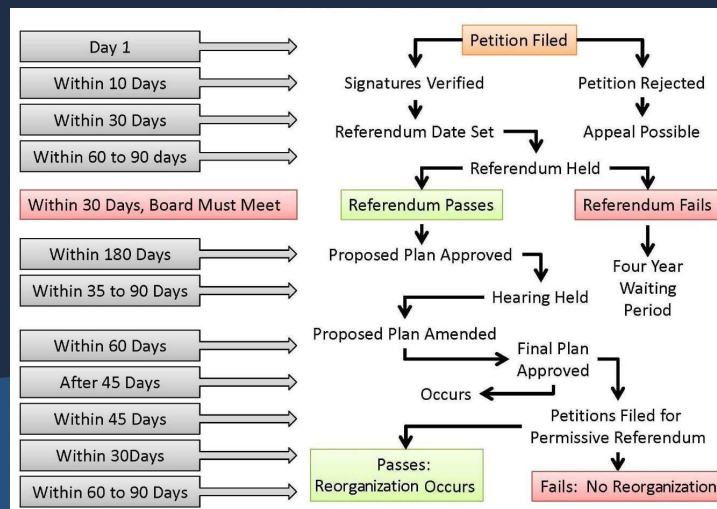
CITIZEN-INITIATED PROCESS

- 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.

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CITIZEN-INITIATED PROCESS



VILLAGE DISSOLUTION IS A TOWN ISSUE



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.

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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.

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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 will give residents an idea of how the Dissolution might affect them:

- Provides an estimate of the cost/benefit of dissolution.
- Outlines the future conditions for delivery of services.
- Outlines a plan for the transfer or elimination of public employee positions.
- Discusses how potential options affect the quality 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

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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.

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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.

VILLAGE DISSOLUTION IS A TOWN ISSUE



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...



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Laberge
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ARCHITECTURE

Group
SURVEYING
PLANNING





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.

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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.

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PUBLIC WORKS

MUNICIPAL SERVICES

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

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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

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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

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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.

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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?

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EXAMPLES

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



ADDITIONAL POTENTIAL SERVICES AND ISSUES TO ADDRESS

-

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 DISSOLUTION IS A TOWN ISSUE



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.



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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

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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

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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.

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IN THE END

MUST

Towns ~~should~~ take a

LEADERSHIP ROLE

in the development of
an interim and final dissolution plan.

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QUESTIONS



THANK YOU



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