CONSOLIDATION, DISSOLUTION, AND ANNEXATION OF TOWNS AND VILLAGES HOW TO GUIDE



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I. Introduction

Many local governments in New York State are experiencing fiscal stress and searching for ways to save money by providing services more effectively and efficiently. Because local governments provide many of the same types of services, the restructuring methods of consolidation, dissolution, and annexation of towns and villages could reduce expenditures, while maintaining or even improving services, by eliminating duplicative provision of services.

This "how to" guide serves as a document that citizens and local government officials can refer to when considering or undertaking local government reforms and restructuring. This resource manual focuses on consolidation, dissolution, and annexation of towns and villages. Processes, procedures and samples are provided to help guide interested municipalities in reforming their local governments. *This document is intended for informational purposes; it is recommended that a municipal attorney be consulted before engaging in any of the processes discussed herein.*

II. Definitions

A. What is Consolidation?

Consolidation of Towns. Consolidation is accomplished by a physical combination of two or more towns into a single town. Upon consolidation, each town ceases to exist as a governmental entity and is replaced by a new town, which would have a town board consisting of a single town supervisor and four council members. Article 5-B of the Town Law describes the appropriate procedures to achieve consolidation of towns.

Consolidation of Villages. A new village formed by the combination of two or more villages would consist of the combined territory of the original villages. A single mayor, board of trustees and village justice would assume the responsibilities of the new government. Article 18 of the Village Law describes the appropriate procedures to achieve consolidation of villages.

B. What is Dissolution?

Dissolution of Towns. Any town having no bonded indebtedness may be dissolved and cease to exist as a governmental entity. The area of the former town may be annexed to, and become a part of, an adjoining town in the same county. The terms of office of all town officers expire upon dissolution, and all the property and assets of the dissolved town become the property and assets of the town that annexes it. Article 5-A of the Town Law describes the appropriate procedures to achieve dissolution of certain towns.

Dissolution of Villages. Dissolution is a process whereby a village ceases to exist as a governmental entity. The process of village dissolution does not require the consent of the town in which the village is located. Article 19 of the Village Law describes the appropriate procedures to achieve dissolution of villages.

C. What is Annexation?

Annexation is a form of governmental action frequently associated with consolidation. It is not, however, a form of consolidation or dissolution, but the process by which one government incorporates contiguous territory into its boundaries. Annexation requires the consent of the people, if any, of the territory proposed to be annexed and the consent of the governing board of each affected local government, upon its determination that the proposed annexation is in the overall public interest. Statutory authority for the annexation of territory is found in Article 17 of the General Municipal Law.

III. Factors to Consider

A. Potential Benefits

By allowing communities to maximize available resources, the processes of consolidation, dissolution, or annexation may result in significant benefits to local governments. These processes provide local governments with opportunities to save money and improve the quality of services to the geographic area of both municipalities. Coordination of local government activities could be enhanced and duplicative services currently being provided by multiple layers of government could be minimized or even eliminated, thus providing services over larger regions without compromising the quality of such services. Combining municipalities could help coordinate the expenditure of funds, improve the potential to provide increased services and lower the costs of supporting fewer elected officials. Also, due to the increasing complexities of managing local government, it may be helpful for combining municipalities to be able to tap into a larger local leadership pool.

The New York State Department of State administers a grant program which provides technical assistance and competitive grants to two or more units of local government that take on cooperative projects designed to save money and improve the efficiency of the municipal provision of services. For example, under the 2006-2007 grant program, the Village of Macedon was awarded $22,500 to work with the Town of Macedon to study the potential economic impacts and the extent of efficiencies created by a possible village dissolution. This project is in direct response to a dissolution petition submitted by a group of village residents. In the winter of 2001, sufficient interest was raised to lead the Village Board of Macedon to take action to initiate a study to determine the costs and benefits of consolidation with the Town of Macedon. A contract was initiated with the Genesee/Finger Lakes Regional Planning Council to meet on a bi-weekly basis for a period of six months to review village operating costs and services. Presently, the Village of Macedon is in the beginning stages of conducting a more thorough dissolution study. The study committee will provide factual information that will ultimately provide village residents with a complete understanding of what the dissolution would mean to the village taxpayers. This information will be available to allow village residents to make intelligent and well-informed decisions prior to casting their votes on March 18, 2008.

Several case studies examining the shared services grant program in relation to dissolution and consolidation of services are available at the New York State Department of State website: http://www.dos.state.ny.us/lgss/smsi/smsicasestudiespage.html#dissolutionsandconsolidations.

B. Potential Detriments

Local governments must also evaluate any potential negative effects of a consolidation, dissolution or annexation. These effects include the potential for perceived loss of municipal identity, fear over employee loss of jobs or seniority, or leveling up of employee salaries. Residents may also fear: the loss of the provision of certain services, an increase in taxes, or a change in municipal demographics. Municipalities seeking to reorganize their governments should consider the possibility of the existence of such concerns or perceptions.

C. Local Officials and Political Considerations

Reorganization of a local government may result in conflicts between elected officials who do not want to lose political power or see the elimination of offices. In addition, municipal officials and residents may be reluctant to give up a political identity or the differing powers of a village.

D. Workforce Impacts

Most restructuring activities also have impacts on the local workforce. These impacts should be addressed prior to any decision to consolidate. Thus, governmental analysis of consolidation, dissolution or annexation issues should consider mechanisms that will assure the complete exploration of the impact of these processes upon the workforce. There are several methods for examining and discussing these issues. For example, an analysis of workforce impacts should be conducted by a labor/management committee or a general study committee. If such a committee does not exist, one may be formed for general purposes or for the specific purpose of considering these issues. Here, it is possible, by mutual consent of the parties, to bring in people with special knowledge or expertise to assist with the analysis.

Where the workforce is organized for collective bargaining purposes, for example, local or State Civil Service representatives, local personnel officers and other experts should be invited to share their technical knowledge and experience with local committees. Consolidation may also trigger a statutory duty (pursuant to the Public Employees' Fair Employment Act, also known as the Taylor Law) to negotiate the terms and conditions of employment.

Where the local workforce is not organized for collective bargaining purposes, the involved local governments should still address workforce impact issues in a timely and thorough manner. This may be accomplished through the establishment of a labor/management committee, appropriate workforce representation on a general study committee, or a combination of the two. It is recommended that any available persons with expertise in the workforce be asked to contribute to the committee's deliberations.

Other issues to consider include training opportunities, re-employment rights, and severance pay and benefits, as well as questions regarding the status of bargaining unit representatives where more than one such representative represents transferred employees or employees in a unit to which work is transferred.

E. Environmental Factors

Municipalities wishing to consolidate, dissolve, or annex territory should ensure that environmental considerations are incorporated into the decision-making process. Possible environmental impacts to be evaluated may, for instance, relate to planning, zoning, land use and subdivision control, codes and code enforcement, licensing and business regulations. In *City Council of City of Watervliet v. Town Bd. of Town of Colonie* (3 NY3d 508, 789 NYS2d 88 (2004)), New York State's highest court held that before a municipality adopts a resolution approving an annexation, a State Environmental Quality Review Act (SEQRA) review is required.

F. Public Safety

Municipalities should consider how to organize police protection, traffic regulation, fire protection, fire safety and inspection, such as considering the creation of town-wide fire districts. Potential improvements or increased efficiencies in the delivery of these types of services are often a cause for considering consolidation.

Upon dissolution of a village, Village Law §19-1914(2) provides that "the town board of any town in which such village or portion thereof is situated may, prior to the effective date of such dissolution and upon a public hearing, adopt an order establishing or extending one or more special fire or improvement districts…to carry on and operate such of the existing village improvements or services as may be required…." This statute has been interpreted to mean that the town board may adopt an order establishing a fire district to carry on and operate the existing village fire service, and if such order is adopted, "the equipment in question could be conveyed to such newly established fire district." (*Op. State Compt.* 78-1058). Therefore, fire services formerly provided by a village may be carried on by the town in which the village is located by either extending an existing fire district or establishing another fire district through the adoption of an order before the date of dissolution.

Upon annexation, the boundaries of a fire district, fire protection district, or a fire alarm district are not altered (General Municipal Law §716(13)). The boundaries of fire districts are not required to be identical to the boundaries of the town. In one instance, where a fire district which provided protection services to a territory determined by a court to be within the boundaries of another town but a subsequent annexation of the territory ultimately returned it to the original town, the fire district remained the provider of fire protection services for the territory throughout the entire dispute (2002 *N.Y. Op. Atty. Gen.* (*Inf.*) 1055). For a detailed discussion on the consolidation of fire districts, see "Fire Protection Consolidation in Fire Districts, Fire Protection Districts and Villages – How To Guide."

G. Water Supply

Factors relating to water supply and distribution should be considered, including water services, physical plants and equipment, finances, outstanding debt, pending capital outlays, and outside consumers. A recent example of a municipality considering factors related to water supply during a process of dissolution involves the residents of the Village of Andes, who voted to dissolve their 137-year old village in 2002 by a margin of 81-63. Voters agreed to dissolve the village effective December 31, 2003. A public meeting was held in November, 2003 to discuss the creation of water,

sewer, and lighting districts upon dissolution of the village. The Town of Andes was responsible for establishing water, sewer, and lighting districts for those already being served by such services.

H. Public Works

Several factors related to other public works should also be considered, including the transfer of village streets to town highway jurisdiction; highway finances and operations; prevailing service levels as they relate to maintenance, new streets, snow removal and ice control; street cleaning and lighting; and sidewalk installation and maintenance. An appraisal of anticipated effects on local storm drains, public buildings, and other structures should also be conducted.

I. Parks and Recreation

Municipalities should consider the effect of consolidation, dissolution, or annexation on any existing parks, monuments, or open spaces; pending park improvements; land acquisitions and developments; and any present or projected public recreation programs.

J. General Government

Municipalities should conduct an appraisal of any and all possible results and cost factors (including any savings) related to the transfer of general government functions from one government to another, such as those provided by the clerk, treasurer, attorney and assessor; and functions related to tax collections and enforcement, inspections, planning and zoning boards, police matters, and justice courts.

K. Financial Factors

Financial elements should be carefully considered, including those related to: special district solutions and procedures for the provision of water, sewers, storm drainage, refuse disposal, fire, parking, parks, with attention to the boundaries of any such districts; state aid changes with respect to mortgage tax distribution, town highway aid, per capita aid, new highway and traffic safety aid, state aid for sewage treatment plant maintenance, and any miscellaneous assistance; highway financing, with emphasis on the transfer of village streets to town highway jurisdiction; disposition of traffic fines, miscellaneous fees, charges, and earnings; impact, if any, on tax and debt limits; change in fiscal year and transition financing; town and village assessment policies, practices, and assessment ratios; and county assumption of delinquent property taxes. Municipalities should also consider possible construction of reconstituted town budget and tax rates and its effect on the town-wide area, present village area and any projected local improvement district areas.

L. Alternatives

As part of the process of deciding whether to consolidate, dissolve, or annex, communities should also investigate other types of changes that could also save money or improve services. Within an existing town or village, such changes could include combining separate employee positions into one (such as clerk-treasurer), reorganizing separate divisions that provide similar or related services into one, or contracting for services with privately owned firms or other local governments. Among groups of governments, cost savings could result from a few governments joining together, for

instance, to: establish a jointly managed auto maintenance shop or emergency vehicle dispatching service, merge whole departments (i.e., those providing police protection or highway services), jointly use buildings (i.e., town/village hall or town/village equipment shed), arrange for one government to provide a service for a fee to residents of other governments (i.e., library, ambulance, landfill or recreation programs), or appoint one person to fill the same position in both the town and village government (i.e., having one person as both town and village clerk or having town justices serve a village).

Another alternative to village consolidation, dissolution and annexation is the creation of a coterminous town-village, which is a unique form of local government organization. In a coterminous town-village, the village and town share the same boundaries and the governing body of one unit of the coterminous government may also serve as the governing body of the other unit. For example, the mayor may serve as town supervisor, and trustees may also serve as members of the town board. The coterminous town-village is discussed in greater detail later in this document.

IV. Practical Approach

It is also imperative that communities be able to ascertain and discuss the above-referenced factors and carry out the consolidation, dissolution, or annexation process in a timely manner. Below is a suggested consolidation, dissolution, and annexation timeline.

- Informal Discussions Take Place about Consolidation, Dissolution, Annexation
    - by community organizations
    - among local officials, perhaps at local association meetings
    - during the consideration of "new business" at local legislative body meetings

- Study Committees Formed outside Government
    - formed and undertaken by community organization, such as League of Women Voters, neighborhood organizations, universities, etc.

- Civil Work Force Analysis
    - identify local unit services administration format and regulations
    - identify civil service elements
    - request technical assistance from the Municipal Service Division of the New York State Department of Civil Service

- Petition is Submitted to Local Government
    - applicable to village dissolution and annexation, and town consolidation

- Study Committees Formed by Local Government(s)
    - composed of non-officials (volunteers from the community)
    - composed of legislative or other local boards (i.e., planning board)

- Review and Discussion of Local Legislative Body
    - of a reorganization study, if any

- of any other materials generated by local legislative bodies or others
- public hearings (informational and/or held pursuant to statutory direction)

- Action of Local Legislative Body
  - will depend on consolidation process being undertaken (i.e., submission of a proposition to the voters for village dissolution).

V. Legal Aspects

A. Consolidation

1. Town Consolidation

The process for the consolidation of towns is described in Article 5-B of the Town Law. Two or more adjoining towns in the same county may consolidate into a single town. Other sections of Town Law, such as those governing town elections, must also be consulted.

Initiating the Process

In order to consolidate two or more towns, a town board upon its own motion may, or upon a petition by residents must, submit at a special or biennial election a proposition to create a new town out of one or more existing towns (Town Law §81-f). Before the submission of the proposition, however, the boards of each of the towns considering consolidation must hold a joint public hearing. Notice of the hearing must briefly describe the proposition and other relevant or necessary matters, and be published in the official newspaper of each town at least ten, but not more than twenty, days before the hearing takes place. If there is no official newspaper in the town, the notice must be published in a newspaper having general circulation in such town.

It is critical to involve the residents and keep the public informed from the start and throughout the consolidation process. For example, the Village of Albion and Towns of Albion and Gaines are in the beginning phase of studying the possibility of consolidation. A study is being conducting to evaluate the potential cost savings and effectiveness of combining the services of the two towns and village. The study will review: maintenance of streets, highways, and public facilities; water and sewer service; police and fire protection; recreational facilities and services; land use laws and code enforcement; general governmental administration; and other services such as justice courts, assessment, etc. It is expected that various options will be presented to the municipalities, ranging from sharing equipment to potentially dissolving the village and consolidating the two towns. On October 22, 2007, residents of the Village of Albion and Towns of Albion and Gaines were invited to a public informational meeting to learn more about the ongoing study. Members of the committee overseeing the project for the three municipalities were present to answer questions. This 10-member committee includes representatives from both towns and the village. The study is expected to be completed by the fall of 2008.

The Consolidation Proposition

The proposition, in addition to the question of whether the several towns should consolidate, must also include: the proposed name of the new, consolidated town; plans to dispose of the property or other assets of the several towns; a statement as to how the indebtedness of the several towns is to be allocated; a statement of whether a change of town classification will occur; proposals for the termination or continuation of appointed officers and employees of the several towns; and any other matters deemed relevant or necessary to effectuate the consolidation.

The Election

The election must be held on the same day in each town. If the proposition is approved by a majority of voters in each of the towns, certificates of such elections must be filed with the Secretary of State, the county clerk, and the clerk of each of the several towns. The consolidation will take place at the end of the 31st day of December in the odd numbered year following the year in which the vote approving the consolidation occurred.

Prior to Consolidation

Before the consolidation becomes effective, the boards of the towns to consolidate must meet in a joint session to prepare and approve a budget for the new town. The budget must be filed with the clerks of each of the several towns, and jointly presented to the county board of supervisors by the supervisors of the several towns.

Officers of the New Town

The terms of office of all elected officers in each of the several towns expire when the consolidation becomes effective. Officers of the new town will be elected on the first Tuesday after the first Monday in November preceding the effective date of consolidation. The boards of the several towns to be consolidated will, at a joint meeting, appoint election inspectors and other election officers as required for biennial elections according to Town Law §83. The election will be held at large in the total area of the new town unless otherwise specified in the consolidation proposition.

The town board of the new town will consist of a town supervisor, serving a term of two years, and four town council members, serving terms of four years. Two of the council members will be elected for two years initially and thereafter all members of the town council will be elected to four year terms. Two town justices must also be elected to serve for terms of four years each. Town justices may not also be members of the town board. The elected officers of the new town will take office on the first day of January.

2. Village Consolidation

Article 18 of the Village Law describes the procedures for the consolidation of two or more villages into one new governmental entity.

Initiating the Process

Two or more adjoining villages may consolidate through adopting a proposition for consolidation. Village consolidation may also be initiated by the action of village residents by petition (Village Law §9-912)**.** A proposition at referendum must be voted on by each consolidating village. A vote may be held at any election, either on the same day or within 20 days apart, but not after the last day of January and before the annual village election.

The Election

At least 15 days before the first election, or both elections if held on the same day, the village boards of trustees must meet in a joint session to determine the name of the new village. That name should be filed with the clerks of all consolidating villages. The boards will also determine the form of the ballots used, as specified in Village Law §18-1806.

Post Election

Within three days after the election, the clerks of each of the consolidating villages must file a certified copy of the certificate of election in the office of the other consolidating village(s). If the proposition is approved in all consolidating villages, the clerks of each village have five days to file a joint certificate of election, showing the adoption of the proposition and the name of the new village, with the county clerk (or clerks, if the villages are located in more than one county) and with the office of the Secretary of State.

Consolidation

The approval of the propositions in all of the villages will cause the villages to be consolidated into the new village on the first day of the next fiscal year. The new village will have all the powers, rights, and liabilities as if it had been incorporated in the first place, and will own all the property that the former villages owned.

Consolidation will not resolve debts of the consolidating villages or any proceedings pending against them. The new board of trustees may, at their request, become a party to a pending action in place of the former village that is named in such action. Any judgment or order will be enforced against the new village.

Election of New Officers

Within five days after the consolidation takes effect, the village boards shall meet in a joint session to prepare for the election on the third Tuesday of March. Each consolidating village will hold an election as normal, with the boards of trustees appointing two election inspectors from different political parties, and election clerks. The boards will also appoint a mayor and clerk of the new village, who will serve until their successors are elected.

On the day of canvass, the certificate of election must be filed with the clerk of the new village. The terms of office of the officers of the consolidating villages will expire and the new terms of office of the new village will begin at noon on the first Monday of April. On that day, all of the former

officers of the consolidating villages must deliver all village property they have in their possession to the new officers. In addition, the former treasurers of the consolidated villages must file detailed statements on the village treasuries, as described in Village Law §18-1818.

B. Dissolution

1. Town Dissolution

A town having no bonded indebtedness may elect to dissolve and be annexed into an adjoining town in the same county. Dissolution and annexation will not affect any fire district or special improvement district in the territory to be annexed. Article 5-A of the Town Law describes the process for the dissolution of a town. Other sections of Town Law, such as those governing town elections, must also be consulted.

Initiating the Process

A town board may submit at a special or biennial election a proposition to dissolve the town and become annexed to an adjoining town in the same county. In order to dissolve, a dissolution proposal must be approved by a majority of the voters in the dissolving town and by a majority of the voters in the annexing town.

If both proposals are adopted, the dissolution and annexation generally will take effect at the end of the 31st day of December of the next odd-numbered year (Town Law §79-a). For example, if the proposals are approved in 2008, the dissolution and annexation will become effective 12/31/09. However, if the proposals are approved in 2009, they will not become effective until 12/31/11.

Effects of Dissolution

After the proposals to dissolve and annex have been approved, in the year immediately before the dissolution and annexation takes effect, the town to be dissolved will hold no elections for town officers. The terms of office of the officers of the town to be dissolved will expire when the dissolution becomes effective. The board of elections of the annexing town, however, must provide the residents of the town to be dissolved with the opportunity to vote in any election for town officers in the annexing town. After the dissolution and annexation, the town board of the annexing town must revise the election districts to include the territory of the dissolved town.

Justices of the peace in the town to be dissolved will continue to serve their terms until such terms expire, and will exercise all of their powers and duties as justices and receive compensation as a justice of the peace of the annexing town. However, they cannot be members of the annexing town board. If the term of the justice of the peace of the dissolving town expires, there will be no successor elected or appointed.

All the property, records, documents and assets of the town become property of the town to which it is annexed, and the annexing town will assume debts and liabilities, and any money owed to the dissolving town will be transferred to the annexing town. All of the former officers of the dissolving

town must deliver all town records and property they have in their possession to the appropriate officers of the annexing town.

In the year immediately prior to the dissolution and annexation, the retiring supervisor of the town to be dissolved must present the assessment roll of such town to the board of supervisors of the county. This assessment roll will be transferred and added to the assessment roll of the town to which the dissolving town is annexed. The combined assessment roll is then treated as one tax roll and each piece of property and all of the assessments so transferred will be part of the taxable property and assessments of the annexing town.

2. Village Dissolution

Article 19 of the Village Law largely describes the procedures and requirements for the dissolution of a village. However, as is often the case, other sections of the Village Law as well as other bodies of law (i.e., Article 15 of the Election Law) must be consulted. Accordingly, as with other types of proposed local government restructuring, any village contemplating dissolution should consider securing the services of an attorney early in the deliberations.

Initiating the Process

The dissolution of a village may be initiated by action of the village board or by petition of the village residents.

Initiation by Village Board. A village board, acting on its own initiative, may adopt a resolution submitting the question of dissolution to a referendum (Village Law §19-1900).

Initiation by Petition. A petition signed by one-third of the electors of a village qualified to vote at the immediately preceding general village or special village election, may be presented to the village board of trustees. If the petition is valid, the trustees must adopt a resolution submitting the question to a referendum. The qualified electors of the village who have signed the petition must have done so not more than 120 days prior to the filing of the petition.

The petition should substantially conform to the form set forth in Article 9 of the Village Law. The petition must be on white paper, and each signer must sign his or her full name in ink. Each signer must also provide his or her current residence, the ward, if any, village election district, if any, and the correct date of the signing. Each page of the petition must contain a "statement of witness," wherein one person attests to witnessing all of the signatures on the page, and be consecutively numbered at the foot of the page beginning with number one. (Village Law §9-902). Once complete, the petitions are filed with the village clerk. Written objections to the petitions may be filed with the clerk, the Supreme Court, or any justice in the judicial district where the village is located. The services of an attorney may be helpful to ensure that all technical requirements are met.

Attention to detail in preparing and circulating a petition is essential, as errors in petition format can lead to a rejection of the petition, a complicated course of legal proceedings, or at a minimum a delay in the dissolution process. For example, residents of the Village of Johnson City submitted a petition to dissolve the village on January 30, 2007. The Village Board of Trustees, however, declared several hundred of the collected signatures invalid due to missing ancillary information, causing the

petition to fall short of the minimum number of required signatures. The Board, on March 6, 2007, thereby determined the petition to be improper and took no further action. The residents appealed the Board's decision to the State Supreme Court in Broome County. On September 20, 2007, Supreme Court Justice Tait reversed the Board's decision, holding that the signatures should have been counted and that the petition was therefore valid. [See *Appendix A*, Petition to Dissolve Village of Johnson City]

Another recent example based on a similar set of facts relates to the Village of Speculator, where the Village Board rejected a petition for dissolution submitted by village residents based on the Board's determination that the petition did not have the required number of valid signatures. The Board decided that the petition was invalid because, among other things, some signatures were illegible, some of the signers were not registered, some of the signatures were duplicates and some of the signers witnessed their own signatures. The residents appealed to the Supreme Court in Hamilton County, which ordered the dissolution process to continue.

Although the petitions in the Villages of Johnson City and Speculator were ultimately upheld, these cases highlight the importance of closely adhering to the petition provisions in Village Law §9-902(8) in order to avoid the potential frustration, expense and delay associated with appealing a board's decision.

When initiating a dissolution action by petition, it is very important that village residents are fully informed and know exactly what they are asking for by signing the petition. On October 1, 2007, a petition for dissolution of the Village of Cleveland was submitted to village officials for consideration. Between the filing of the petition and the October 16, 2007 Village Board of Trustees meeting, the Village Clerk received numerous letters and phone calls from residents stating that they had been misled and did not realize what they were signing. Based partially on these comments and discrepancies in the petition (such as several of the signatures included only the signer's first initial and last name), the Cleveland Village Board deemed the petition invalid in November, 2007. This case highlights the importance of adequately informing the public about the process and carefully following the technical requirements related to petition signatures.

Study Committee

The village board of trustees, prior to the approval of a proposition for dissolution, must appoint a study committee to prepare a report on the dissolution of the village. Returning to the example of the Village of Johnson City discussed above, after the petition was deemed valid, the Village Board of Trustees appointed a 16-member dissolution study committee. A study committee must include at least two representatives of each town or towns in which the village is situated, who reside outside the village boundaries. The committee may organize and form such subcommittees as it deems necessary. A copy of the report must be sent to the supervisor of each town in which the village is situated, as well as the village board of trustees, within the time period established by the board of trustees. The report must address all the topics required to be included in the dissolution plan and alternatives to dissolution. The committee may also propose a plan for dissolution for consideration by the board of trustees. Prior to submitting its report to the board of trustees, the study committee must hold at least one public hearing, upon 20 days notice published in the official village and town newspapers (Village Law §19-1901). [See *Appendix B*, Notice of Public Hearing, Village of Pike]

Constructing a Dissolution Plan

Article 19 of the Village Law requires that a plan accompany every proposition for dissolution. The village board of trustees is responsible for preparing the plan, regardless of whether the dissolution process was initiated by petition or by board resolution.

The Village Law lists 8 criteria which must be addressed in a dissolution plan. The plan must contain provisions relating to:
(1) the disposition of the property of the village;
(2) the payment of outstanding obligations and the levy and collection of the necessary taxes and assessments therefor;
(3) the transfer or elimination of public employees;
(4) any agreements entered into with the town or towns in which the village is situated in order to carry out the plan for dissolution;
(5) whether any local laws, ordinances or rules and regulations of the village in effect on the date of the dissolution of the village shall remain in effect for a period of time other than as provided by Village Law §19-1910, i.e., two years;
(6) the continuation of village functions or services by the town;
(7) a fiscal analysis of the effect of dissolution on the village and the area of the town or towns outside the village; and
(8) any other matters desirable or necessary to carry out the dissolution (Village Law §19-1903).

The Village of Pike is currently undertaking a dissolution study. The Village Board has formed a study committee composed of interested citizens, village officials, town officials, and fire department officials to oversee the project and apply their knowledge and expertise to the study. In addition, the Genesee/Finger Lakes Regional Planning Council is providing guidance and technical support for the study process. The study committee drafted a preliminary dissolution plan and held a public meeting on January 14, 2008. [See *Appendix C*, Final Draft Village of Pike Dissolution Plan]

Constructing a Proposition

After a village board adopts a dissolution plan, the board constructs a proposition. Pursuant to Village Law §19-1904, the proposition must contain the question of dissolution and, numbered separately: a plan for disposition of village property, the payment of its outstanding obligations including the levy and collection of necessary taxes and assessments, and such other matters as may be necessary. Although all or any part of such plan can be made the subject of a contract between the village and the town prior to submission of the proposition, the primary objective of this plan is not to legally bind either the village or the town. Rather, it is a document that will educate and inform the resident village electors as to the consequences of their vote. By outlining an orderly program for the transfer (to the town) of village functions, assets and properties, and for the disposition of any outstanding debts, obligations or taxes, the plan will provide the village residents some picture of the tangible effects of the dissolution.

Under the proposition item, “such other matters as may be necessary” the proposition should include any information that may assist voters in making an educated determination for or against dissolution. By way of example, the plan should include provisions as to: how fire protection will be provided, which services will be discontinued, how existing services will be provided and the effect

on village legislation. [See *Appendix D,* Proposition for Dissolution of (former) Village of Elizabethtown]

Notification and Publication

Upon adoption by the board of trustees of such resolution, the plan and the proposition must be mailed by certified or registered mail to the supervisor of the town(s) in which the village is situated and published in full in the official newspaper of the village (Village Law § 19-1904).

Public Hearings

As noted above, both the study committee and the village board of trustees must each hold at least one public hearing.

An informed public will enable a more productive hearing at the stage of the study committee's final report as well as the village board of trustees hearing. Following the study committee's public hearing, it may submit its report to the board at any time.

Notice of the board of trustees hearing must be given by certified mail to the supervisors of the town(s) involved, and published at least 10 days but not more than 20 days prior to the hearing in the official newspaper of the town(s) and village

Referendum at Election

The dissolution of a village may be initiated by action of the village board or by petition of the village residents. The method used to initiate the process may affect the *timing* of the referendum at election.

Initiation by Village Board. A village board, acting on its own initiative, may adopt a resolution submitting the question of dissolution to a referendum. In this case, the referendum would be held at a regular or special village election (Village Law §9-912).

Initiation by Petition. If a valid petition signed by one-third of the electors of a village qualified to vote at the immediately preceding general village or special village election is presented to the village board of trustees, the board must adopt a resolution submitting the question to referendum at a regular or special village election.

If the proponents of the dissolution referendum desire that the referendum question be submitted at on a date other than at a regular or special village election, then the petition must bear the signatures of two-thirds of the qualified electors in the village. If such petition requests the referendum to be held on a date other than at a regular or special village election, then the referendum shall be held no less than 30 nor more than 60 days from the date of the public hearing. If such petition does not request the referendum to be held on a date other than at a regular or special village election, then the referendum question shall be submitted at the next regular or "special village election for officers" (Village Law §9-912), which generally refers to an election to fill a vacancy in an office (Election Law §15-106).

The *conduct* of the election will depend upon whether the referendum question is submitted at a general or special election for officers, or where requested by petition at a special election.

General or Special Election for Officers. The procedures for these elections are discussed in section 15-104 of the Election Law. Pertinent provisions for purposes of a dissolution referendum are as follows:

Election Law §15-104. General Village Election

3.b. The board of trustees of a village shall, at least sixty days before any village election conducted by either the village clerk or the board of elections on a date other than the date of the general election, adopt a resolution which shall state:

1) the polling place in each election district, and
2) the hours during which the polls shall be open which shall not include at least the hours from noon to nine o'clock in the evening.

c. The village clerk shall publish, at least ten days prior to any village election, a notice which shall state:

1) the polling place in each election district,
2) the hours during which the polls shall be open,
3) the names and addresses of all those who have been duly nominated in accordance with the provisions of this chapter for village office by certificate or petition of nomination duly filed with the village clerk and the office and term of such office for which they have been so nominated, and
4) an abstract of any proposition to be voted upon.

4. In addition to such publication, a copy of such notice shall be posted in at least six conspicuous public places within the village and at each polling place at least one day before the village election.

Special Election. In the case of a special election, called solely to consider a referendum proposition, Village Law §9-902(3) states that the village clerk shall make and file a registration list of electors at least 10 days before the date of the special election. The list of qualified voters is to be alphabetically arranged and can be prepared using any official record or source including the last preceding register of electors of the county, village or town (for the last preceding general town election covering all the area of the village). This registration list must then be available for inspection upon request. Any excluded elector claiming to be qualified may apply for inclusion, and upon the presentation of proper proofs, shall be included in said list on or before the date of the election. Village Law §9-902(4) sets out the procedure for review of any refusal for inclusion on the list. The remainder of the procedures for notice, conduct and canvass of the special election are the same as those of a general election.

Post Election

If the proposition is approved by a majority of those voting on the question of dissolution, a certificate of the election must be filed with the Secretary of State and clerks of each town and county in which any part of the village is situated. The village will be dissolved as of the thirty-first day of December in the year following the year in which the election took place (i.e., if the election is on June 19, 1979, the village is dissolved as of December 31, 1980) (Village Law §19-1900(3)).

Where the proposition is defeated, no similar proposition can be submitted within two years of the date of the referendum. (Village Law §19-1900(2)). The entire process of dissolution may span the course of years. For example, the Village of Wellsville dissolution study took six months to prepare. However, the November, 2006 referendum vote, in which dissolution was rejected by a vote of 1,000-94, did not take place until two years later. The ultimate decision of dissolution lies with the residents.

C. Annexation

Article 17 of the General Municipal Law (GML) governs the procedures for annexation. Annexation is defined as the alteration of the boundaries of a county, city, town or village, it has the effect of adding territory to the annexing municipality. Article 17 of the GML provides guidance for the process of annexation pursuant to the provisions of the Bill of Rights of Local Governments New York State Constitution, Article 9 §1(d).

Petition for Annexation

A petition for annexation must describe the territory, state the approximate number of inhabitants, and be signed by at least twenty percent of the residents or by the owners of a majority in assessed valuation of the real property in such territory. The petition must be authenticated as to all the signatures and presented to the governing board or boards of the affected local government in which such territory is situated. A certified copy of such petition would be presented to the governing board(s) of the local government(s) that would annex such territory (General Municipal Law §703).

Notice of Petition Hearing

Within twenty days after the receipt of a petition for annexation, the governing board(s) of the local government(s) that would annex such territory and the governing board(s) of the affected local government(s) in which such territory is situated must publish notice in their official newspaper(s) or newspaper(s) in the county having general circulation within such area. The governing board(s) of the local government(s) in which such territory is situated shall mail notice to each person or corporation owning real property in such territory. Notice shall state that a petition for the annexation of territory has been received, and that a joint hearing will be had upon such petition at a specified place and date not less than twenty nor more than forty days after the publication and mailing of such notice.

Petition Hearing

Such governing boards shall meet at the time and place specified in such notice. The governing boards shall hear testimony and receive any evidence and information regarding the validity of the petition and whether the annexation is in the overall public interest.

Whether the annexation is in the overall public interest must be determined by weighing the benefit or detriment to the annexing municipality and the area to be annexed. The municipality seeking the annexation must prove that the annexation would be in the overall public interest. Annexations may be in the overall public interest where, for instance, the annexation would enhance municipal services such as police and fire protection, subsidized sewer and water services, and other public facilities. However, proposed annexations may not be in the overall public interest where, for instance, the proposed annexation would place a heavy tax burden on the local government losing the land, or would not result in an improvement to either municipality involved but only benefit an individual private property owner.

Resolution

Within ninety days after the hearing, the governing board of each affected local government shall determine by a majority vote whether the petition complies with the provisions of Article 17 and whether it is in the overall public interest to approve such annexation. At such time, each governing board shall adopt a resolution that includes findings with respect to compliance of the petition with the provisions of Article 17 and with respect to the effect of such proposed annexation on the overall public interest. Each board shall then make and sign a written order containing its determination and file copies together with copies of an agreement, if any, the petition, the notice, the written objections, if any, and testimony and minutes of proceedings taken and kept on the hearing, in the offices of the clerks of all the affected local governments. If a governing board does not make, sign, and file a written order, then the governing board shall be deemed to have approved the proposed annexation at the expiration of the ninety day period.

Adjudication and Determination in the Supreme Court

In the event that a governing board of an affected local government determines that it is not in the overall public interest to approve the proposed annexation, the governing board of any other affected local government may apply to the Appellate Division of the Supreme Court for adjudication and determination of the issue of whether the proposed annexation is in the overall public interest.

Election

Within ninety days after the entry of a final judgment of a court or the filing of orders of the governing boards of such affected local governments approving a proposed annexation, the governing board of each municipality in which such territory is situated shall call a special election to be conducted to determine whether the proposed annexation should be approved. If such proposition is approved by a majority of the qualified voters, then the petition and a certificate of election shall be filed by the governing board(s), within twenty days after such election, in the office of the clerk of such local government(s) and in the office of the clerk of the local government(s) in which such territory is to be annexed (General Municipal Law §713).

Annexation of Uninhabited Territory

All that is required for a village to annex adjoining, uninhabited property owned by a town is for the town board in which the territory is located to provide its consent based upon a determination that the annexation is in the overall public interest. If the uninhabited territory is also partially or fully within another village in the town, then that village board must also consent based upon the same criteria. Upon the granting of the required consent(s), the village may order the annexation without the necessity of a petition or public hearing.

D. Coterminous Town-Village

A coterminous town-village is a consolidated municipality wherein a town and a village have the same boundaries. The town and village may function together as a single unit of government, i.e. the duties and responsibilities of both the town and the village are carried out by one group of officers and employees. Currently, there are five coterminous town-villages in New York: Mount Kisco, Harrison, and Scarsdale in Westchester County, Green Island in Albany County, and East Rochester in Monroe County.

Initiating the Process

A coterminous town-village may be created in several ways. One way is for a new village to be incorporated in a town which has no existing villages, with the new village having the same boundaries as the existing town. This method would comply with the prerequisites for forming a new village under Village Law §2-200. The coterminous town-villages of Harrison and Scarsdale were created in this way.

Another method is for an existing village to use the procedures of Article 17 of the General Municipal Law to annex all of the adjacent territory in its town lying outside the village. Essentially, the village would expand its boundaries to become coterminous with the town. For this to occur there would have to be no other villages already in existence in the town. Additionally, the procedure requires approval of both the existing village and town governing boards, plus the approval of the voters at a referendum held in the outlying territory which is to be annexed.

A third method is for the State Legislature to adopt a special act creating the coterminous town-village. Since it would be for the benefit of only two municipalities, such a special act would require that the two existing governments send a “home rule request” to the Legislature to enact the bill. In the special act, the boundaries of the new municipality would be set forth, and other provisions would be written regarding governmental administration, disposition of real property and other assets and obligations of the existing municipalities. Although a referendum is not required by an existing general statute, the Legislature may condition the creation of the town-village on the approval of the voters at a referendum. By utilizing the method of a special act, the boundaries of the new town-village could follow an existing town or village boundary, or they could follow newly-drawn boundaries. Both the village and the Town of Green Island were created by separate acts of the State Legislature in the 19th Century.

A fourth method is for a public petition to be submitted under Article 5 of the Town Law, calling for the division of an existing town into two towns, one of which would have the same boundaries as an existing village. The coterminous town-villages of Mount Kisco and East Rochester were created in this way, although in each of those cases two existing towns were divided to create the new town. The formation of Mount Kisco was also later ratified by an act of the State Legislature.

Petition

A petition to form a coterminous town-village may be signed by any registered voter of the town, whether a resident of the village or not. The petition must contain signatures totaling at least five percent of the total number of votes cast in the town for the office of Governor at the last gubernatorial election, but not less than 100 in a first-class town or less than 25 in a second-class town. The petition must be submitted to the county legislative body, which must hold a public hearing and then make a determination whether to grant the petition. A two-thirds vote of the county legislative body is required for the petition to be granted. If granted, there will be a referendum on the division of the town. All registered voters, including residents of the village, will be eligible to vote on the proposition to divide the town.

Effects of Forming a Coterminous Town-Village

Article 17 of the Village Law contains detailed provisions concerning such issues as alteration of boundaries, election of officers, their powers and duties, bonds and other indebtedness, assessments, and the administration of improvement districts. For example, in a new town created with the same boundaries as an existing village, a referendum must be held to determine whether the voters wish the local government to operate "principally as a village" or "principally as a town." After the election, there will thereafter be a single governing body, with the members holding office as both the town and the village board, but functioning primarily as either one or the other. In addition, the creation of a coterminous town-village shall not affect the existence or boundaries of any school district or change the levy or collection of taxes for any school district.

Proposition

If a new village is incorporated to embrace the entire territory of an already-existing town, the town board may submit a proposition to the voters as to whether they wish the board of trustees to function also as the town board. If at least 50 taxpayers petition for such an election, then the town board has no choice; it is required to submit the proposition to the voters. If the voters turn down the proposition, then there will continue to be separate village and town boards, although the municipalities are coterminous.

APPENDIX A

PETITION TO DISSOLVE: SIGNATURE ACKNOWLEDGED BY NOTARY

TO: BOARD of TRUSTEES, VILLAGE of JOHNSON CITY

1. We the undersigned, duly qualified electors of the Village of Johnson City, County of Broome, State of New York, representing not less than one-third of the duly qualified electors of the Village of Johnson City, present this petition to the Board of Trustees and respectfully request that the Board of Trustees adopt a resolution submitting a proposition for the dissolution of the Village of Johnson City to be submitted to a vote of the people of the Village of Johnson City at a regular or special election.

2. Each of the undersigned states that he/she has personally signed this petition; that he/she has not signed any other petition for the same measure; that he/she is a qualified elector of the Village of Johnson City, Broome County, New York; and that his/her place of residence, including street and number, if such exist, is correctly written after his/her name.

	NAME	**ADDRESS**	**DATE**
1.	Printed: _____	_____	_____
	Signed: _____	_____	_____
2.	Printed: _____	_____	_____
	Signed: _____	_____	_____
3.	Printed: _____	_____	_____
	Signed: _____	_____	_____
4.	Printed: _____	_____	_____
	Signed: _____	_____	_____
5.	Printed: _____	_____	_____
	Signed: _____	_____	_____
6.	Printed: _____	_____	_____
	Signed: _____	_____	_____
7.	Printed: _____	_____	_____
	Signed: _____	_____	_____
8.	Printed: _____	_____	_____
	Signed: _____	_____	_____
9.	Printed: _____	_____	_____
	Signed: _____	_____	_____
10.	Printed: _____	_____	_____
	Signed: _____	_____	_____
11.	Printed: _____	_____	_____
	Signed: _____	_____	_____
12.	Printed: _____	_____	_____

Signed: _____ _____ _____
13.Printed: _____ _____ _____
Signed: _____ _____ _____
14.Printed: _____ _____ _____
Signed: _____ _____ _____
15.Printed: _____ _____ _____
Signed: _____ _____ _____

STATE OF NEW YORK):
COUNTY OF BROOME):

On this day of in the year 2006, before me, the undersigned, a notary public in and for said state, personally appeared

_____
_____
_____
_____
_____
_____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within Petition and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the Petition.

_____
Notary Public

APPENDIX B

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Village of Pike Dissolution Study Committee will hold a public hearing, in accordance with §19-1901 of Village Law, on January 14, 2008 at 6:00 p.m. at the Village Offices in the Village of Pike. The Study Committee has been working diligently over the last year to develop a Plan for Dissolution for the Village. This public hearing will be used by the Committee to gather public input prior to their submission of the report which addresses all topics included in the Plan for Dissolution to the Village Board of Trustees.

By order of the Village Board of the Village of Pike,

Robin Remington, Clerk
Village of Pike

APPENDIX C

FINAL DRAFT Village of Pike Dissolution Plan

DISSOLUTION PLAN OF THE VILLAGE OF PIKE

Date of Vote: March 18th, 2008

STATE OF NEW YORK
COUNTY OF WYOMING
VILLAGE OF PIKE

PROPOSITION NUMBER 1:

PROPOSITION FOR THE DISSOLUTION OF THE VILLAGE OF PIKE, DISPOSITION OF VILLAGE PROPERTY, ESTABLISHMENT OF TOWN SPECIAL IMPROVEMENT DISTRICTS, AND ESTABLISHMENT OF THE PIKE FIRE DISTRICT.

Shall the Village of Pike be dissolved; shall Village property be disposed of as follows; shall Town of Pike Special Improvement Districts be created to operate certain existing Village Improvements; and shall the Town of Pike establish the Pike Fire District:

1. The Village of Pike will officially dissolve on December 31, 2009.*****

2. Following the dissolution of the Village of Pike, the Town of Pike will assume the duties and functions of the Village and continue to provide certain services once provided by the Village. The cost of certain specific services will be met by fees or taxes levied on real property located within the bounds of Special Improvement Districts established by the Town Board as explained in Paragraphs 7, 8, and 9 of this Dissolution Plan.

3. In accordance with Village Law Section 19-1910, all Local Laws, Ordinances, Rules and Regulations of the Village of Pike that are in effect on the date of the dissolution of the Village will be enforced and administered by the Town of Pike for a period of two (2) years from the date of dissolution, unless the Town of Pike deems otherwise. At the end of the two (2) year time period all Local Laws, Ordinances, Rules and Regulations of the Village of Pike will become null and void *unless* the Town Board of the Town of Pike enacts certain Village laws or ordinances as the Town's own laws and ordinances.

4. The Village of Pike's Zoning Law will expire on the date of dissolution as provided by Paragraph 16 of this Dissolution Plan. Following the dissolution vote, the Town of Pike will prepare new zoning regulations that will take effect immediately following the dissolution of the Village.

5. The offices and positions of Mayor, Village Trustees, Public Works Superintendent, Zoning Enforcement Officer, Village Clerk, Water Clerk, Village Historian, Village Attorney, and all other miscellaneous Village positions, shall be abolished upon the dissolution of the Village of Pike.

6. The Town of Pike will hire four current Village employees, which are: 1.) the Village's Water Clerk, 2.) the Village's Water Plant Operator, 3.) the Village's part-time sidewalk maintenance person, and 4.) the Village's water meter reader. These individuals will become paid employees of the Town. The

Village's Water Clerk will handle the same tasks for the Town as he/she does for the Village and will work under the direction of the Town Clerk. The Village's Water Plant Operator will continue to run the water system and will work under the direction of the Town Highway Superintendent. The part-time maintenance person will perform the same duties for the Town as he/she does for the Village and will work under the direction of the Town Highway Superintendent. The Village's meter reader will perform the same duties for the Town as he/she does for the Village and will work under the direction of the Town Highway Superintendent.

7. The Town Board of the Town of Pike will create and establish by resolution a Special Improvement District to be known as the "Town of Pike Water District" as provided by Section 19-1914 of the Village Law and by Articles 12 and 12-A of the Town Law. The operation of this district will be subject to the decisions of the Town Board. Costs of operating the Water District will be met by user fees levied on real property owners who own land within the Water District's boundaries *and* whose property receives water from the public water system. All of the real property lying within the bounds of the Water District will be subject to the indebtedness of such district, including any outstanding obligations and bonds issued at the time of construction of the public water supply system. All property, facilities, infrastructure, and equipment used by the Village for operating and maintaining the water system will be turned over to the Town at no cost. The boundary of this District will be coterminous with the boundary of the Village with the exception of a length of Telegraph Road between the water treatment plant and the Village boundary (See Map 1: Town of Pike Water District).

8. The Town Board of the Town of Pike will create and establish by resolution a Special Improvement District to be known as the "Town of Pike Lighting District" as provided by Section 19-1914 of the Village Law and by Articles 12 and 12-A of the Town Law. The Town will assume responsibility for maintenance and repair of all streetlights within this District. The operation of this district will be subject to the decisions of the Town Board. Costs of operating the Lighting District will be met by taxes levied on the benefited real property located within the bounds of the Lighting District. The boundary of this District will be coterminous with the boundary of the Village (See Map 2: Town of Pike Lighting District).

9. The Town Board of the Town of Pike will create and establish by resolution a Special Improvement District to be known as the "Town of Pike Sidewalk District" as provided by Section 19-1914 of the Village Law and by Articles 12 and 12-A of the Town Law. The Town will assume responsibility for maintenance and repair of all sidewalks within this District. The operation of this district will be subject to the decisions of the Town Board. Following the dissolution of the Village, the Village will turn over to the Town of Pike, at no cost, all equipment and supplies used by the Village for maintaining, repairing, and clearing snow from sidewalks. Costs of operating the Sidewalk District will be met by taxes levied on the benefited real property located within the bounds of the Sidewalk District. The boundary of this District will be coterminous with the boundary of the Village (See Map 3: Town of Pike Sidewalk District).

10. The Town of Pike will assume any and all outstanding debts and obligations of the Village of Pike. The only debt owed by the Village is for its public water system. In accordance with Village Law Section 19-1912, this debt will be levied on real property that lies within the boundaries of the Pike Water District until it is paid off.

11. Any net savings resulting from the dissolution of the Village of Pike will be used by the Town of Pike to reduce the indebtedness of the former Village of Pike and/or to enhance the services provided by the

Town to the former Village through the Town's Special Improvement Districts. Any such savings will not be applied towards services located outside the former Village of Pike.

12. Prior to the dissolution of the Village, the Town Board of the Town of Pike will create and establish by resolution a Fire District to be known as the "Pike Fire District" encompassing the entire Town of Pike. Following dissolution of the Village, this Fire District will automatically expand to include the area of the former Village. The boundaries of the Fire District will be coterminous with the Town's boundaries. The costs of operating this Fire District will be will be met by taxes levied on the benefited real property located within the bounds of the Pike Fire District.

13. Prior to the dissolution of the Village but following the establishment of the Pike Fire District, the Board of Trustees of the Village of Pike will turn over to the Pike Fire District all of the Village's rights, title, and interest in the Pike Volunteer Fire Department, Inc. All property, buildings, vehicles, and equipment owned by the Village and used by the Pike Volunteer Fire Department, Inc. for the purpose of firefighting will be turned over, at no cost, to the Pike Fire District.

14. Following the dissolution of the Village, the Town of Pike will renegotiate all contracts and agreements currently held between the Village of Pike and the Wyoming County Fair Association. The terms of the contracts and agreements will remain the same unless Town of Pike and Wyoming County Fair Association officials mutually agree to change them. On the date of dissolution, all Village-owned real property, buildings, and equipment used by the Wyoming County Fair Association for the purpose of operating the County Fair will be turned over, at no cost, to the Town of Pike.

15. Following the dissolution of the Village, the Town of Pike will provide garbage and recycling collection services to all real properties located within the former Village through its contract with Wyoming County.

16. Prior to the dissolution of the Village, the Town of Pike will revise and update its Comprehensive Plan and Zoning Law to include coverage of all land located within the Village boundaries. The new Zoning Law will take effect when the Village officially dissolves. The Town will consider instituting a "Hamlet" zoning district that will encompass the former Village and include special regulations that do not apply to rural areas of the Town outside the former Village. This "Hamlet" district will potentially be subdivided into separate commercial and residential areas; the Town Planning Board will oversee the preparation of these new zoning regulations with the aim of having them in place prior to the dissolution of the Village.

17. The Village of Pike will turn over, at no cost, to the Town of Pike all real property and miscellaneous property not specifically disposed of in the preceding paragraphs.

***** State Law mandates that a village dissolve on the last day of December in the year following the year in which the dissolution vote is held. Therefore, if the dissolution vote is held in March 2008, the Village will officially dissolve on the last day of the following year, which is December 31, 2009.

AS TO PROPOSITION NO. 1:

Total number of votes recorded in favor of Proposition No. 1:
Total number of votes recorded in opposition to Proposition No. 1:
Total number of spoiled votes:
Total number of votes cast:

http://www.gflrpc.org/PikeDissolutionStudy.htm

APPENDIX D

PROPOSITION FOR DISSOLUTION OF VILLAGE OF ELIZABETHTOWN, DISPOSITION OF VILLAGE PROPERTY, PROVISION FOR VILLAGE DEBTS AND TAXES AND ESTABLISHMENT OF IMPROVEMENT DISTRICTS *****

Shall the Village of Elizabethtown be dissolved with Village property remaining after the payment of all claims for which the Village shall be liable to be disposed of, and with Elizabethtown Improvement Districts created to carry on and operate certain existing Village improvements, and with other provisions to be made upon dissolution, as follows:

1. The Board of Trustees shall transfer and turn over, without consideration, all water system property, both real and personal, owned by the Village of Elizabethtown to a Town Improvement Water District to take over, carry on and operate the water system of the Village of Elizabethtown, which water district is by the approval of these proposals hereby created and established, subject to such further proceedings as may be required by section 19-1914 of the Village Law and Articles 12 and 12-A of the Town Law. The boundaries of the Water District shall be the boundaries of the existing Village of Elizabethtown. The Water District shall continue to sell water on a contractual basis to the owners of those improvements outside of the existing Village currently connected with the Village water system. Costs for operation, maintenance and repair, and capital improvements, shall be met by user charges and taxes levied upon the taxable real property located within the Water District.

2. The Board of Trustees shall transfer and turn over, without consideration, all of the fire protection property, both real and personal, owned by the Village of Elizabethtown, to a Town Improvement Fire District to provide fire protection for all of the Town of Elizabethtown, which Fire District is by the approval of these proposals hereby created and established, subject to such further proceedings as may be required by section 19-1914 of the Village Law and by Article 12 of the Town Law. The Village firehouse on Church Street will be included in the transfer of property (unless disposed of as hereinafter set forth), as will the capital reserve account maintained for the replacement of fire trucks, and all firefighting apparatus and other personal property used by the fire department of the Village of Elizabethtown at the present time. The transfer shall also include the Village office building and garage on Woodruff Street, which will be improved by the Fire District for use as a new firehouse, together with such personal property employed in the existing garage as the Fire District shall require for its use as a firehouse. However, if the Board of Trustees shall succeed in selling the Village firehouse on Church Street prior to the date of dissolution, the net proceeds from the sale shall be deposited in the capital reserve account maintained for the replacement of fire trucks. The boundaries of the Fire District shall be the boundaries of the existing Town of Elizabethtown. Costs of operation, maintenance and repair, and capital improvements shall be met by taxes levied upon the taxable real property located within the Fire District.

3. A Lighting District shall be created and established as provided by section 19-1914 of the Village Law and by Article 12 of the Town Law, which Lighting District shall assume all of the lighting rights and shall be responsible for fulfilling such of the lighting duties and obligations of the Village

of Elizabethtown as are not assumed by the Town of Elizabethtown. The boundaries of the Lighting District shall be determined and established in accordance with the provisions of Article 12 of the Town Law. Operation, maintenance and repair, and capital improvements will be provided by contract between the Lighting District and the New York State Electric & Gas Corporation. Costs to the Lighting District pursuant to the contract and other costs of the Lighting District, if any, shall be met by taxes levied upon the taxable property located within the Lighting District.

4. A Refuse and Garbage District is by the approval of these proposals hereby created and established, subject to such further proceedings as may be required by section 19-1914 of the Village Law and Article 12 of the Town Law. The boundaries of the Refuse and Garbage District shall be the boundaries of the existing Village of Elizabethtown. The Refuse and Garbage District shall assume all of the refuse and garbage collection rights and shall be responsible for fulfilling such of the refuse and garbage collection duties and obligations of the Village of Elizabethtown as are not assumed by the Town of Elizabethtown. Refuse and garbage collection will continue to be performed pursuant to an existing contract between Floyd Pierce d/b/a Willsboro Sanitation and the Village of Elizabethtown until its expiration. Costs to the Refuse and Garbage District pursuant to the contract and other costs of the Refuse and Garbage District, if any, shall be met by taxes levied upon the taxable real property located within the Refuse and Garbage District.

5. A Sidewalk District shall be created and established as provided by section 19-1914 of the Village Law and by Article 12 of the Town Law, which Sidewalk District shall assume the responsibilities of the Village of Elizabethtown of maintenance and repair of all existing sidewalks within the Village of Elizabethtown. The boundaries of the Sidewalk District shall be determined and established in accordance with the provisions of Article 12 of the Town Law. The maintenance and repair responsibilities of the Sidewalk District shall be met by such means as shall be determined from time to time by the Elizabethtown Town Board. Costs to the Sidewalk District shall be met by taxes levied upon the taxable real property located within the Sidewalk District.

6. The Board of Trustees shall transfer and turn over to the Town of Elizabethtown, without consideration, all other property, both real, personal and mixed, tangible and intangible, owned by the Village of Elizabethtown not specifically disposed of in the preceding paragraphs, which shall not have been liquidated as surplus, with the proceeds applied to Village debt, if any.

7. Unless otherwise provided in the foregoing paragraphs, the outstanding debts and obligations of the Village of Elizabethtown, if any, shall be assumed by the Town of Elizabethtown and shall be a charge upon the taxable real property located within the boundaries of the existing Village of Elizabethtown.

8. The Village of Elizabethtown positions of Mayor, members of the Board of Trustees, Treasurer, Clerk and Highway and Water Commissioner shall be abolished. The Town of Elizabethtown shall hire two additional full-time employees to assist in road maintenance and other Village functions to be assumed by the Town. Other increases in wages and wage related expenses of the Town may also result.

9. All local laws, ordinances, rules and regulations of the Village of Elizabethtown in effect on the date of dissolution of the Village, including but not limited to the zoning ordinance of the Village of Elizabethtown, shall remain in effect for a period of two years following the dissolution. Provided,

that the Town Board of the Town of Elizabethtown shall have the power at any time to amend or repeal such local laws, ordinances, rules and regulations.

10. In the event of approval of these proposals, any net saving in governmental expenses which may result from consolidation of the two Elizabethtown municipalities shall be applied to enhance governmental services within the boundaries of the existing Village of Elizabethtown, rather than yielding an across-the-board decrease in taxes throughout the Town of Elizabethtown.

11. No significant environmental impact shall result from the dissolution of the Village such that an environmental impact statement is required to be prepared pursuant to the State Environmental Quality Review Act.

12. All appropriate steps will be taken in advance of dissolution of the Village to achieve the dissolution pursuant to section 57 of the Public Housing Law of the Village of Elizabethtown Housing Authority, which exists pursuant to and by virtue of section 527 of the Public Housing Law.

Dated: Elizabethtown, N. Y.
May 4, 1979
Burton Rosenbaum
Village Clerk

*** This proposition was drafted prior to the 2003 amendments to Article 19 of the Village Law. Village Law §19-1904 sets forth the current required contents for a proposition.**