

Appendix 2

Other Referenced Materials

to

Final Report
Wellsville Town-Village Municipal Study

submitted by

Michael R. Hattery

June , 1998

Lamont, VanDeValk, Buckman & Whitbeck Engineers, P.C.

List of Materials

Village of Wellsville Police Survey

Spotlighting Small Governments – Consolidating a Village and Town’s Financial Functions: A Success Story from Ossining, New York

Village of Hamilton Local Law Regarding Village Administrator

Considering City Incorporation? Larson Municipal Law Consultant

Village of Wellsville Police Survey

SURVEY QUESTION #	1	2	3	4	5	6
	Does Your Dept. have 24 hours Patrol?	Number of Full Time Police Officers including the Chief?	Number of Part Time Police Officers?	If Part Time Police are Employed, are they used to Supplement Manpower on a Regular Basis?	Does Your Department have a Youth/Dare Officer?	If a Youth/Dare Officer is Employed, Approx. what % of Time does He/She Spend on Regular Patrol Duties?
Village Name						
1 Albion	YES	13	1	NO	YES	60%
2 Alfred	YES	6	7	YES	NO	
3 Bath	YES	12	5	FILL VACANCIES	YES	SUMMER ONLY
4 Canastota						
5 Canton	YES	9	0		YES	regular shift
6 Catskill	YES	13	6	YES	NO	
7 Chittenango	YES	6	11	YES	NO	
8 Cobleskill	YES	10	5	YES	NO	
9 Dansville	YES	7	1	NO	YES	60 - 70 %
10 Gouverneur						
11 Hamilton	YES	5	7	YES	NO	
12 Liberty	YES	16	1	YES	YES	y-10%d-90%
13 Lyons	YES	10	1	YES	DARE	90%
14 Malone						
15 Medina						
16 Monticello	YES	27	0		YES	Patrol When No School
17 Owego	YES	9	2	YES	NO	
18 Penn Yan	YES	11	5	YES	NO	
19 Perry	YES	5	7	YES	NO	
20 Sidney	YES	9	0		YES	60%
21 Tupper Lake	YES	12	0		DARE	95%
22 Warsaw	YES	6	5	NO	NO	
23 Waterloo	YES	8	4	YES	Youth/sgt	10%
24 Waverly	YES	10	7	YES	YES	60%
25 Wellsville	YES	12	10	NO	YES	5%
Average	# Yes 21	10.4	5.3	# Yes 10	# Yes 9	
% over average	Total 25			Total 17	Total 21	

Village of Wellsville Police Survey

SURVEY QUESTION #	7 Does Your Department have an Investigator?	8 If your Department has an Investigator, What % of His Time is Devoted to Regular Patrol Duties?	9 Approx. Number of Criminal Cases, Misdemeanor and above handled in 1997?	10 Approx. Number of Violations, Excluding Vehicle & Traffic handled in 1997?	11 Approx. Number of Calls for Service handled in 1997?	12 Do You have Holding Cells?
Village Name						
1 Albion	YES	0	322	172	7,140	NO
2 Alfred	YES	50%	524	429	6,362	NO
3 Bath	YES	0%	111	1,552	5,544	YES 3
4 Canastota						
5 Canton	Detective sgt	as needed	170	250	4,600	yes 2
6 Catskill	YES	0	1,730	1,730	5,388	NO
7 Chittenango	YES	0	2,500	150		NO
8 Cobleskill	YES	0	522	175	4,000	NO
9 Dansville	NO		700	1,000	8,293	YES 1
10 Gouverneur						
11 Hamilton	NO		700	900	3,000	NO
12 Liberty	YES	10%	455	148	5,709	4
13 Lyons	NO		838	258	10,200	NO
14 Malone						
15 Medina						
16 Monticello	Yes 2-	0%	729	362	3,500	yes-10
17 Owego	NO		551	350	6,755	YES
18 Penn Yan	YES	0%	245	282	5,085	NO
19 Perry		50%	300	2,000	4,000	NO
20 Sidney	YES	40%	451	199	2,378	YES-2
21 Tupper Lake	NO		136	97	2,650	YES
22 Warsaw	NO		110	86	3,600	NO
23 Waterloo	YO is investigator	less than 5%	737	1,014	4,921	NO
24 Waverly	YES	50%	1,500	2,000	6,200	YES-1
25 Wellsville	YES	5%	1,324	816	9,120	YES
Average	# Yes 15		698	665	5422	# Yes 9
% over average	Total 21		90%	23%	68%	Total 21

Village of Wellsville Police Survey

SURVEY QUESTION #	13 If Holding Cells are Used, How Many Prisoners Were Detained in 1997?	14 Do You Have a Court Room in Your Police Facility?	15 If You Have a Courtroom, do Other Municipalities Have Use Of It?	16 If You Have a Courtroom, do You Furnish Security When It Is Used?
Village Name				
1 Albion		YES	YES	No-county aux.police furnish
2 Alfred		YES	YES	YES
3 Bath	163	YES	YES	WHEN NEEDED
4 Canastota				
5 Canton	26	YES	YES-sheriff/sp	NO
6 Catskill		NO		
7 Chittenango		YES	YES	YES
8 Cobleskill		NO		
9 Dansville	140	YES	YES	YES
10 Gouverneur				
11 Hamilton		No-different bldg	YES	YES
12 Liberty	154	NO		
13 Lyons		YES	YES	SOMETIMES
14 Malone				
15 Medina				
16 Monticello	488	NO	YES	SOMETIMES
17 Owego	85	NO		Only when requested by judge
18 Penn Yan	129	NO		YES
19 Perry		YES	YES	NO
20 Sidney	44	YES	YES	NO
21 Tupper Lake	46	YES	YES	YES
22 Warsaw		NO		use county courthouse&do provide
23 Waterloo		No-in Municipal Bld	YES	NO
24 Waverly	15	YES	NO	if requested
25 Wellsville	217	YES	YES	YES
Average	137	# Yes 12	# Yes 14	# Yes 7
% over average	58%	Total 21	Total 16	Total 18

Village of Wellsville Police Survey

SURVEY QUESTION #	17	18	19	20	
Village Name	Do You Have Tax Exempt Property in Your Jurisdiction That Generates Calls For Service i.e. Mental Health, Drug/Alcohol Abuse Housing?	If Specialized Housing is in Your Community, Approximately How Many Calls Did You Respond To In 1997?	Does Your County Have a Sheriff's Dept. With a Regular Road Patrol That Services Your General Area?	Does Your Dept. Have Backup From The Sheriff's Dept?	
1	Albion	SEVERAL	NONE	YES	YES
2	Alfred	YES	3500	NO	YES
3	Bath	YES	UNKNOWN	YES	YES
4	Canastota				
5	Canton	YES	?	YES	YES
6	Catskill	YES	UNKNOWN	NO	YES
7	Chittenango	YES-Madison Co.joint effort usage	20	until 0000 hours,daily-only	YES
8	Cobleskill	YES	25	YES-BUT NOT24 HOUR	YES
9	Dansville	YES	30	YES	YES
10	Gouverneur				
11	Hamilton	YES	1500	YES	YES
12	Liberty	YES	Unknown	YES	YES
13	Lyons	YES	Unknown	YES	YES
14	Malone				
15	Medina				
16	Monticello	YES	55	YES	YES
17	Owego	YES	Unknown	Yes-outsideof village	YES
18	Penn Yan	NO		YES	YES
19	Perry	YES	10	YES	YES
20	Sidney	YES	Less than 10	Pt road ptrl NYSP, 1 mile away	NO
21	Tupper Lake	NO		NO	NO
22	Warsaw	many	50	yes	YES
23	Waterloo	YES	200	YES	YES
24	Waverly	YES	10-15	YES	YES
25	Wellsville	YES	NUMEROUS	NO	NO
Average		# Yes 17		# Yes 16	# Yes 18
% over average		Total 21		Total 21	Total 21

Village of Wellsville Police Survey

SURVEY QUESTION #	21	22	23	24
Village Name	Does Your Dept. Call Upon Outside Agencies, i.e. Sheriff or State Police to Assist in Major Crime Cases to Collect Evidence, Do Latent Print Lifting, etc.?	Does Your Dept. Have a Hospital in Your Jurisdiction?	If You Have a Hospital, Do You Get Called Frequently To Assist With Patients i.e. E.D.P. etc?	If You Have a Hospital, Do They Furnish Their Own Security or Depend On Your Dept?
1 Albion	No-in house officers trained	NO		
2 Alfred	NO	NO		
3 Bath	IN MAJOR CASES	YES	only if sp&sheriff unavailable	VA-has own police
4 Canastota				
5 Canton	YES	NO		
6 Catskill	IN MAJOR CASES	NO		
7 Chittenango	NO			
8 Cobleskill	YES	YES	YES	NO
9 Dansville	only in special cases	YES	YES	Depends on PD
10 Gouverneur				
11 Hamilton	NO	YES	YES	Depends on PD
12 Liberty	NYSP for major crimes	NO		
13 Lyons	YES	NO		
14 Malone				
15 Medina				
16 Monticello	YES	NO		
17 Owego	Major cases NYSP BCI	NO		
18 Penn Yan	Only when in-house investigator not avail.	YES	YES	yes, but pd is initial response
19 Perry	YES	NO		
20 Sidney	For major crimes	YES	YES	NO
21 Tupper Lake	NYSP	NO		
22 Warsaw	yes	yes	YES	Depend on PD
23 Waterloo	NO	Emer.Health Clinic	NO	
24 Waverly	YES	NO		
25 Wellsville	NO	YES	YES	Depend on PD
Average	# Yes 7	# Yes 8	# Yes 8	# Depend on PD 5
% over average	Total 21	Total 20	Total 9	Total 8

Village of Wellsville Police Survey

SURVEY QUESTION #	25 If You Agency Performs Some Type of Security Assistance For a Local Hospital, Are You Compensated For Your Time?	26 Do You Employee Civilian Personnel?	27 If Civilians Are Employed, The Number of Full And Part Time?	28 If Part Time Civilians Are Used, Are They Used on a Regular Basis?	29 If Civilians Are Employed, What Are Their Duties?	30 How Many Hours of In-service Training is Mandated Yearly by Your Dept?
Village Name						
1	Albion	YES	1	Yes-clerk	clerk	21
2	Alfred	YES	1 PT	NO	CLERICAL	20-25
3	Bath	YES	4FT 13 PT	enforcement, records		20 hours
4	Canastota					
5	Canton	YES	3	YES	Dispatchers	26 hours
6	Catskill	YES	4 PT	afternoon shift	comm. specialist	20
7	Chittenango	YES	1 FT 1 PT	all Saturdays	1 sec. Ft, 1 com. Serv. of cr pt	100 hours min
8	Cobleskill	NO	PT	Regular	Clerical	140
9	Dansville	n/a	11	YES	Dispatch/Crossing Guards	20
10	Gouverneur					
11	Hamilton	NO	1FT 2PT	YES	Secretary	80
12	Liberty	YES	3ft 2pt	YES	dispatch/clerical	monthly, no set #hrs
13	Lyons	YES	2FT		clerk/dispatcher parking enfrm	not mandatory by hrs
14	Malone					
15	Medina					
16	Monticello	YES	3 FT	REGULAR	dispatcher/clerical	21
17	Owego	See Note#1	3ft-4pt-1ft prkng	YES	dispatch parking enfrmnt	3 days
18	Penn Yan	NO	1FT 1 PT	NO	Parking Enfrm Secretary	10
19	Perry	YES	1 PT	YES	Clerk/secretary	40
20	Sidney	NO	1pt-20 hr/wk		dispatch, parking enfrmnt	no mandate
21	Tupper Lake	NO				40 HRS
22	Warsaw	no	yes 1pt-clerical, 4 cross gds	2 sub xing gds	see response to #27&28	none, except firearms
23	Waterloo	YES	1FT-clerk/disp/day		clerk/dispatcher	20 hours
24	Waverly	YES	1 FT		clerk/receptionist, records	24 hrs
25	Wellsville	NO	4ft-3pt	1pt-8hr/wk	dispatch, clerical, comm. tech.	min24-max80
	Average	# No 6	# Yes 20	# Yes 7		
	% over average	Total 10	Total 21	Total 16		

Village of Wellsville Police Survey

SURVEY QUESTION #	31	32	33	Ranking	34	35	
Village Name	Approx. Annual Training Budget	Do You Have Officers Who Are BMP Certified Instructors?	If Officers Are Trained as BMP Instructors, What is Their Rank and What Topics do They Instruct Above General Topics, ie Fire Arms, Defensive Tactics, etc?		Does Your Dept. Receive Any Outside Funding for Manpower or Equipment, Such as PILOT or Something Similar?	Is Your Department Accredited by BMP?	
1	Albion	8,000.00	4	Firearms, use of force/haz-mat,cap-stun, asp, baton		NO	NO-end of 98
2	Alfred	4,000.00	YES	Firearms, art.35, defensive tactics		YES	NO
3	Bath	4,000.00	YES	general topics, firearms	chf, inv, po, dis.	See note below	Working on it
4	Canastota						
5	Canton	4,500	YES	firearms	chief	NO	YES
6	Catskill	13,500	YES	firearms, oc, general	chf, lt, 2sgt	Local Law Enfcm Bick Grnt	NO
7	Chittenango	2,000	YES 2	breathalyzer/radar/firearms		Stop DWI	no
8	Cobleskill	2,500	YES	radar,firearms,breathalyzer	chf,sgt, po	Cops Fast	NO
9	Dansville	2,500	YES	capstun-jd		no	no
10	Gouverneur						
11	Hamilton	5,000	YES	firearms		Cops	NO
12	Liberty	4,000	YES	fire arms, abc,mental health,bloodbom path	1-PO/1-SGT	COPS.tLocal Law Enfcm BG	NO
13	Lyons	1,600	YES-3	general, w/i 6 mon.firearms, def. tactics	2 sgt/1po	Fed.for drug problems	NO
14	Malone						
15	Medina						
16	Monticello	5,000	yes			cops fastcops more,llebgs	NOT YET
17	Owego	3,500	YES-3	radar, dom.viol., abc, haxmat,suicide, crime scene/evid	3 chief/2po	Cops Fast	Working on
18	Penn Yan	1,500	YES	general topics only	investigator	NO	NO
19	Perry	5,000	NO			NO	NOT YET
20	Sidney	4,000	YES	radar, ids, firearms, breathalyzer	1chf/1po/1sgt	Cops Fast	NO
21	Tupper Lake	3,000	YES		1SGT 1PO	NO	NO
22	Warsaw	?	yes	firearms, radar		no	no
23	Waterloo	1,200	YES	general, firearms,OC spray, video,in-service	sgt/po	NO	NO
24	Waverly	5,000	YES	firearms, general	2 lt and po	Cops More	NO
25	Wellsville	2,000	YES	firearms, defensive tactics, drug interdiction, radar, dom vio, crime,scene, mental health,corrections,phy fit	chf/lt/sgt	Cops fast	YES
Average		4,090	# Yes 19				
% over average		-51%	Total 21				

Village of Wellsville Police Survey

SURVEY QUESTION #	36 If You Dept. is Accredited, In What Year Did You Receive Accreditation?	37 Does Dept. Have a NYSPIN?
Village Name		
1		YES
2		YES
3		YES
4		NO
5	1993	YES
6		YES
7		NO
8		YES
9		NO
10		YES
11		NO
12		YES
13		NO
14		YES
15		YES
16		YES
17		YES
18		NO
19		NO
20		YES
21		YES
22		NO
23		NO
24		YES
25	1991	YES
	Reaccredited, 1996	
Average % over average		#YES= 16 Total=25

SPOTLIGHTING SMALL GOVERNMENTS

Consolidating a Village and Town's Financial Functions: A Success Story from Ossining, New York

By Pasqualino D'Imperio

Consolidation, becoming more widely used by leaders in government, is nothing new in corporate America—many companies have merged or consolidated their operations in an attempt to reduce operating costs. Neither is the concept new to governments, as many governmental entities have discussed consolidation for years. It was not until recently, however, that a spate of meaningful consolidations have been attempted on the public side.

Why are consolidations being attempted now? The answer is quite simple: economics. It makes sense economically to consolidate similar functions in order to eliminate duplicate efforts. Most governmental entities provide the same types of services, such as police protection, sanitation, public works and tax collection. By consolidating similar services, one can expect savings through economies of scale. It was this type of thinking that led officials in the Town of and Village of Ossining, New York, to undertake consolidation of their financial departments.

Background: The Town and the Village

The Town of Ossining encompasses three municipalities: the unincorporated area of the Town of Ossining (called "Town Outside"), the Village of Ossining and the Village of Briarcliff Manor. In total, approximately 34,728 people live in the three municipalities. The Town of Ossining is governed by an elected supervisor and four council members, who comprise the town board. The town government administers state and federal elections; collects town, county and school taxes; and appoints advisory boards.

The Village of Ossining is a chartered village and is administered under the manager form of government. The board of trustees is an elected body and consists of a mayor and four trustees. It adopts laws, establishes policies and makes various appointments.

The Village of Briarcliff Manor was

incorporated in 1902 and is governed by a mayor and four trustees. It also uses the manager form of government. Its functions are the same as that of Village of Ossining board. Because the Village of Briarcliff Manor lies in two different municipalities, officials chose not to be part of consolidation at this time.

What made the undertaking of consolidation in Ossining slightly unusual is that towns normally are much larger entities than villages and usually are dominant. In this case, however, the Village of Ossining was the larger entity and was better suited to assume the financial responsibilities of both municipalities.

The Village of Ossining had three main operating funds: general, water and sewer, as well as debt service. Its budget for those funds totaled approximately \$20 million. The Town of Ossining had a town general fund, town outside fund, a highway fund and various sewer district funds. Its budget totaled approximately \$6 million.

The Town of Ossining employed a controller who was responsible for the financial operations of the town. The position was a political appointment made by the supervisor and the town board. The town's books were all kept on manual ledgers except for payroll, which was performed on a computer.

The village, on the other hand, had elected treasurers since its inception. In the general election of 1988, the last elected treasurer ran on a platform to make future treasurers appointed rather than elected. The reason was that the village had grown to such an extent that financial operations were becoming increasingly complex and it would be better served with a professional accountant responsible for them.

The main factor that led to consolidation of the town and village was economics: the goal was to save taxpayers money. As is the case with most communities, political leaders in Ossining were under heavy pressure to reduce the burden on local taxpayers. Since personnel services constituted the major expenditure, the way to mitigate higher taxes was to consolidate functions and reduce the number of personnel in the process. The idea clearly was not to fire current employees, which would have been difficult under civil service regulations in any case, but to reduce staff through attrition and retirements.

Consolidation: How It Took Place

Since neither governmental entity was interested in giving up its political control,

it was critical that the new finance department establish a system of controls that would ensure that town and village funds would not be commingled. They had to preserve the separate entity status, and both village and town would continue to use their own federal and state tax identification numbers.

In order to ensure that the finance department knew all of the tasks that would have to be performed under a consolidated system, detailed lists of every financial function were prepared. It was critical that nothing slip through the cracks. These lists also were important in determining the amount of work that the new finance department would take over and how the work would be distributed among staff members. These lists were then reviewed thoroughly and streamlined to ensure better efficiency.

Internal Controls and Computer Systems. The next step was to establish a system of internal controls that would ensure that funds were not commingled, while still meeting the requirements and standards set by generally accepted accounting principles and generally accepted auditing standards. This was probably the most difficult and time-consuming task, primarily because it contained the greatest amount of exposure: Had any commingling of funds occurred under any circumstances, opponents of consolidation would claim that, although the concept of consolidation was a good one, it was not achievable.

After having established a system of internal controls that would meet the goals of both entities, the finance department's next step was to decide whether the existing computer system was large and efficient enough to handle both the town and village financial operations. It also had to determine how the computer system could be utilized to do more of the work that previously had been performed by the town and village staff, since the town financial operations staff of two and a half people had been usurped by the village with one staff person.

Through a thorough review of both village and town computer systems it was clear that the existing system would not be able to handle the increased workload. In addition, both village and town systems were more than five years old and in need of replacement. The decision was made to purchase a UNIX-based system which not only had greater capacity and memory but was approximately one hundred times faster than the computer system then in

place. The advantages to this are obvious: faster systems reduce down time, which leads to increased productivity. The most pleasant surprise was that, due to technological advances, the maintenance on the new system was so much cheaper than on the old system that the cost savings would pay for the new system in just two and a half years.

Once the new system was in place, controls were established that virtually eliminated the possibility of commingling of funds. Two separate directories—one for the village and one for the town—were established, and village and town funds were given different fund numbers. Parameters were established in each directory that would not allow an incorrect fund or account to be entered into an incorrect directory. For example, if a revenue for the village general fund was incorrectly entered into the town directory, the system would alert the computer operator that this information cannot be entered into this directory.

Account numbers for village and town accounts were standardized to make data entry simpler, and voucher and purchase order forms were standardized and color coded by jurisdiction.

Benefits of Consolidation

A great deal of time, effort and hard work was necessary in order to make consolidation of the village and town finance departments a reality, and it proved to be extremely successful. The first area of success was in the reduction of cost. Even with the cost of the new computer system, the consolidation of the village and town finance departments saved approximately \$75,000. This is a significant savings of more than 20 percent; the total budgets for the village and town finance departments before consolidation was approximately \$325,000. This was accomplished primarily through the reduction in staffing levels by one and a half persons.

Economies of scale were responsible for other savings. Consolidated purchasing, for example, increases volume, leading to volume discounts. Also, instead of paying for maintenance and support for two computer systems, there is only one, much smaller cost for a far better system.

Because such great attention to detail was paid to the streamlining of operations, the staff reduction of one and a half persons has worked out very well. The village/town finance department expects to have additional retirements during the

next two years. At this time, it is anticipated that those positions will not be filled, thereby increasing the cost savings.

It also should be noted that, although cost savings are of primary importance, they are by no means the only benefit to consolidation. By combining the two departments, the new finance department has been afforded the luxury of cross-training staff so that, if one employee goes on vacation or is out of the office for an extended period, the operation does not cease because other staff members are unfamiliar with what he or she does.

Lessons Learned

Although it is difficult to imagine anyone not being in favor of a cost-savings program such as consolidation, there were in the Town and Village of Ossining many critics who did not believe it could be done. Some even did their best to set up roadblocks to impede the process. The first lesson learned was the importance of not letting critics stop the process. It was imperative to stay focused on the ultimate goal, saving the taxpayers money.

The second thing to be kept in mind is that the process is a long-term one. Consolidation does not happen overnight; there will be many modifications to the original plan. Officials must be prepared for many meetings and presentations to both boards and to the public before a program is in place.

Third, it is critical to have good people in charge of the operation; the program's success rests with them. Professionals will command higher salaries for the additional responsibility that they will be assuming, but their knowledge and professionalism will pay much greater dividends than the few extra dollars of their salaries.

The consolidation of any department requires a great deal of time, effort and patience. If it is done correctly, however, consolidation will lead not only to major cost savings but also to a better final product. □

PASQUALINO D'IMPERIO is treasurer for the Village of Ossining, New York, and has assumed responsibility of town controller. He is a CPA with private- and public-sector experience and is a member of the American Institute of Certified Public Accountants and the New York State Society of Certified Public Accountants.



An Introduction to External Money Management for Public Cash Managers

This booklet was written to help government officials analyze and evaluate the potential costs, benefits and risks associated with the selection, use and monitoring of an external money manager. It serves as an introductory guide to three common forms of external money management in use by governments: local government investment pools, mutual funds and external portfolio managers.

TO ORDER: Request *An Introduction to External Money Management for Public Cash Managers* (price per copy: \$9 GFOA members; \$13 nonmembers; \$7 students) from the Government Finance Officers Association, 180 N. Michigan Ave., Suite 800, Chicago, IL 60601-7476 (312/977-9700, or FAX: 312/977-4806).

G O V E R N M E N T
O F F I C E R S
F I N A N C E
A S S O C I A T I O N

Chapter 2, ADMINISTRATOR

[HISTORY: Adopted by the Board of Trustees of the Village of Hamilton 10-10-1995 by L.L. No. 4-1995. Amendments noted where applicable.]

§ 2-1. Purpose; position established.

In order to provide economical and efficient overall direction, coordination and control of the day-to-day activities of the Village of Hamilton, to provide centralized direction and control of village employees, to reduce the administrative detail performed by the Mayor and Trustees and to occasion the Mayor and Trustees a greater opportunity for the proper consideration of policy matters, the position of Village Administrator is hereby established for the Village of Hamilton.

§ 2-2. Appointment; term; compensation.

The Village Administrator shall be appointed by and serve without term but at the pleasure of the Board of Trustees. The position shall be exempt, unclassified or noncompetitive. Compensation shall be fixed by the Board of Trustees.

§ 2-3. Accountability; Acting Village Administrator.

The Village Administrator shall report to and be under the supervision of the Mayor and Trustees. During the absence or disability of the Village Administrator, the Mayor, with the approval of the Board of Trustees, may designate any properly qualified person as Acting Village Administrator.

§ 2-4. Powers and duties.

Subject to the approval, direction and control of the Mayor and Trustees, or in those instances where approval, direction and control is, by applicable law, reserved to the Mayor, then, under the approval, direction and control of the Mayor and in accordance with such law and such policies, orders, rules, regulations, resolutions, ordinances and local laws as may be promulgated or adopted by the Board of Trustees, the Village Administrator shall:

- A. Supervise and coordinate the activities of all village departments.
- B. Oversee and coordinate the work of all village employees and implement the personnel policies, orders, rules, regulations, resolutions, ordinances and local laws of the village.
- C. Recommend appointments, promotions or dismissals of village employees in accordance with applicable policies, orders, rules, regulations, resolutions, ordinances and local laws of the village.
- D. Oversee the enforcement of the policies, orders, rules, regulations, resolutions, ordinances

- and local laws of the village and other applicable laws in an efficient and impartial manner.
- E. When so designated by the Mayor, prepare, as budget officer, the tentative budget according to law.
 - F. Control expenditures within amounts appropriated in the budget by enforcing administrative controls.
 - G. Regularly report the financial condition of the village to the Board of Trustees and periodically recommend needed action.
 - H. Supervise and coordinate the process of purchasing all materials, supplies and equipment and the letting of all bids and contracts.
 - I. Maintain an ongoing study of all activities and functions of the village with a view to making recommendations, from time to time, of measures and programs which might improve the efficiency and effectiveness of village government.
 - J. Consult with appropriate village officers and employees in the preparation of policies, orders, rules, regulations, resolutions or local laws.
 - K. Recommend for adoption such measures as the Administrator may deem necessary, appropriate or expedient for the health, safety or general welfare of village residents or for the improvement of the delivery of governmental services.
 - L. Attend all meetings of the Board of Trustees and Municipal Utilities Commission and provide information relevant to agenda items.
 - M. Keep village residents informed of village policies, procedures and plans for the delivery of governmental services.
 - N. Oversee the expeditious response to inquiries by village residents and other interested persons concerning village government, operations and services.
 - O. Maintain liaison with other governments and administrative agencies, but not in substitution of the Mayor or Trustees as the official representatives of the village.
 - P. Perform and discharge such other duties and responsibilities as may, from time to time, be assigned by the Mayor and Trustees.

§ 2-5. Effect on existing positions.

Nothing herein shall be deemed or construed as abolishing, transferring, limiting or curtailing in any way any powers, duties or responsibilities of the Mayor or Trustees or other village officer or employee such as are prescribed by the laws, rules and regulation of the State of New York or by the policies, orders, rules, regulations, resolutions, ordinances or local laws of the Village of Hamilton.

Considering City Incorporation



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Considering City Incorporation



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CONSIDERING CITY INCORPORATION?

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CITY INCORPORATION IN GENERAL

The creation of a city is exclusively within the control of the State Legislature. Traditionally, the State has exercised this control by enacting a special act creating the city and defining its boundaries, legal duties, and responsibilities.

Cities and villages are the only incorporated municipalities in New York State. At one time, villages were also created by a special act. This is now prohibited by the State Constitution which also provided for the enactment of the Village Law and a procedure for local incorporation. In effect, the Village Law became the charter for all villages.

City incorporation is still, however, done by a special act. The only requirement is that the Legislature create the city or provide for its incorporation. How the charter or law gets to that point is apparently up to the proponents of city status.

The simplest and most direct way would appear to have a charter prepared in bill form, have it passed by the Legislature and let it take effect as provided in the bill. This is the method used in creating the city of Rye in 1940. (Chapter 505 of the Laws of 1940)

At present, there are 62 cities in this state. Many are quite old and some predate the founding of the United States. During the 1600s the cities of New York(1653) and Albany(1686) were incorporated. In the 1700s, the cities of Hudson(1785) and Schenectady(1798) were incorporated.

Of the 62 cities, 22 of them were incorporated in the 1900s with the most recent being the City of Rye, Westchester County.

The smallest city was created in 1916 and is the City of Sherrill, Oneida County, with a population of less than 3000.

WHAT IS A CITY?

In perhaps its most simple terms a city is what the State Legislature determines it to be. It is, by law, a municipal corporation and a unit of local government. It is governed by many State laws, such as the General City Law, the Local Finance Law, General Municipal Law, and others. However, a city does not have a general State law like towns and villages. For cities the function of the village law and town law is performed by the city charter which was written especially for that particular city. It is "tailor made" law rather than "off the rack."

What area of land may be incorporated? In essence, any land, regardless of present political or local government status or population can be incorporated as a city. At present, an effort is being made to carve out a portion of the City of New York and

create the City of Staten Island. In 1989, the Legislature passed a bill which would have consolidated the town of Arcadia and the Village of Newark into the City of Newark-
A r c a d i a . T h e
City of Sherrill included only the area of the former Village of Sherrill. In 1915, the City of White Plains included all of the Village of White Plains, part of the Town of White Plains outside of the Village, and part of the Town of North Castle. Others were created out of no previously incorporated area. They may have included part of a town or towns, or all of a town or towns.

CITY ADVANTAGES

Usually, the first question which is asked relates to the advantages of becoming a city. There is no one or standard answer since local conditions vary. However, there are a few statements which can be made which are generally true. They are:

- Cities traditionally and historically receive greater state aid benefits than do other local governments;
- Cities have the ability to preempt a portion of the county sales tax or enact their own;
- Taxable real property in a city is taxed only by the city, county, and school district, not the town;
- The local court is a city court which is funded by the State which includes salaries, benefits, etc. of court personnel.

Finally, and significantly the government of the city is a government which is designed specifically for the city and not governed by a general state law.

CITY DISADVANTAGES

If the first question relates to advantages, then the second would relate to the disadvantages. To say that there are none or few would over simplify the issue. Also, each situation is different. Generally speaking, however, if a disadvantage is perceived in a given situation, it may be dealt with effectively in the language of the city charter bill. The only requirement may be, what the Legislature will enact.

FACTORS IN CONSIDERING CITY INCORPORATION

When is it appropriate to consider city incorporation? To answer this question, the first consideration should be what is the best form of government for the residence of the area in terms of services and economy. The second ought to be what is possible and practical in political terms.

City incorporation should be considered as an option if local government reorganization is being studied by residence or local government officials.

Such studies may begin with:

- village incorporation
- village dissolution
- annexation
- consolidation of villages

- coterminous town/village

Village Incorporation

The village law provides a procedure whereby residence of a town may incorporate an area and create a new village. It would be like a city in that it is a separate government. Whatever the reason for village incorporation, city incorporation would accomplish the same objectives with the additional advantages of city status.

Village Dissolution

One of the purposes of dissolution is to "combine" a village with a town. If the town and village governments are cooperating with the process it may be worthwhile to consider joining the two governments into a single new city. In many ways the results are the same especially in that the area is governed by one governing body. However, city incorporation provides the additional benefit of having all of the city advantages.

Annexation

Under state law the annexation process can be started only by the property owners. If the local officials find that it is in the best interests of the municipality to enlarge or extend its boundaries or tax base, but find that they are unable to do so due to the lack of cooperation of the property owner or owners, the creation of a city, including the land in question may be an appropriate solution to the problem. Additionally, the new government would have all the advantages of a city.

Consolidation of Villages

Like the dissolution of a village, the usual purpose for consolidating two or more villages is to eliminate one or more governing bodies. The Village Law deals in part with village consolidation. If such villages are agreeable and willing to effectively end their existence and create a single new village, it may also be worthwhile to consider creating a new city. All of the advantages of eliminating units of government would exist, plus the advantages of city status.

Coterminous Town/village

Today there are five coterminous town/villages. Each is somewhat different, and each were created differently, and for different reasons. Some of these were created by an existing village board which created a new town to have the same boundaries as the village. One of the advantages in doing this is that the effect of "double taxation" is eliminated in that whatever town taxes are collected, if any, are spent only in the area of the village. In addition, state aid could be distributed to the village based on both the village and town aid formulas. Services to the area are provided by either the village or the town, but the form of government is essentially a village form of government. The basic procedure for creating a new town is found in the County Law. State legislation may, however, be necessary to deal with specific situations or problems.

The creation of a city accomplishes similar advantages of a coterminous town/village, but has the additional advantages of city status.

RECENT STATE LEGISLATIVE HISTORY

In considering whether or not to make the substantial commitment of time and resources needed to become a city, many supporters of city incorporation feel that their efforts would be in vain since the State Legislature would not be favorably disposed toward the creation of a new city. The opposition, they feel would be too great and thus their efforts would fail. It is often speculated that other existing cities would oppose city creation since it would mean that there would be less revenue in state aid for them. They also speculate, incorrectly, that if a new city is created, it would cost the State more since cities receive more State aid than do villages and town.

In truth, however, when the State Legislature has been presented with local sponsors who are willing to actively work for city status, the Legislature responds positively. In one case, Staten Island, they not only passed requested legislation, they also funded the process with State money.

Below are brief descriptions of recent city incorporation efforts which have been presented to the Legislature. They are Solvay, Newark-Arcadia, and Staten Island.

"The City of Solvay"

In 1988, the Board of Trustees of the Village of Solvay, Onondaga County, prepared a city charter and had it introduced in the State Legislature by the local Senator and Assemblyman.

Whereas the sponsor introduced the bill, they never requested that the bill be reported out of committee and thus the full Legislature never was given an opportunity to consider the Solvay proposal.

"The City of Newark-Arcadia"

In 1989, the Village of Newark and the Town of Arcadia joined together in preparing a charter bill for presentation to the Legislature. With the active support of the Senator and Assemblyman from that area, the bill was introduced and passed both houses and sent to the Governor. The Governor, however, vetoed the bill. In vetoing the bill the Governor cited numerous technical defects and indicated that a properly redrafted bill would be enthusiastically supported by him. (See attached veto message)

The next session of the Legislature did not see the redrafted bill. Thus today, the Town and Village remain as they did prior to the introduction of the bill.

"The City of Staten Island"

In 1989, a law was enacted which would permit the residents of Staten Island to succeed from the City of New York, and create the City of Staten Island. This law was signed by Governor Cuomo on December 15, 1989. (Chapter 773 of the Laws of 1989)

The Governor's memo indicated that the bill had overwhelming support in both houses of the Legislature. (See attached supporting memo)

The law provided for a multi-step procedure which involves the voters of Staten Island, the State Legislature, and the resources of the State of New York.

Step one provides for a Staten Island vote in November 1990 on the question "Shall the borough of Staten Island separate from the City of New York to become the City of Staten Island?" If the vote was "no," the process ends. If "yes," as was the case, a charter commission was created.

Within twenty to thirty months, the commission is to submit its work to the Governor, the Legislature, and the Borough President.

At least six public hearing would be held in the next six months in Staten Island.

Following the hearings, the voters will vote on two questions.

1) Shall the charter of the City of Staten Island be adopted? If the vote is "no" then the following question

2) Should the Commission continue in existence for the purpose of drafting and alternative draft charter?

If both are answered "no" the process ends.

In 1990, the 1989 law was amended to add the additional step of State Legislature approval of the proposed charter following local approval.

The cost of the election and the charter commission's work are borne by the people of the State of New York.

The presentation of a city charter to the State Legislature is essentially the request of a State Senator and Assemblyman to have his or her fellow members support a local bill. It is unusual for Legislators to not support a local request. The key to passage is the commitment of the bill sponsors. If they support the bill, others will also.

QUESTIONS?

Below are some of the most frequently asked questions and their answers:

Q. Will the county loose sales tax revenue if the city is incorporated?

A. Not necessarily. Cities like counties may enact a sales tax. A city council may enact a tax on sales within the city. The city council may also negotiate with the county for a share of the county tax. The city council may do nothing and leave the sales tax alone.

Q. Are cities required to have a city court?

A. Yes, all cities have a city court which is funded by the State. The city must provide a court room.

Q. What form of government will the city have?

A. The charter determines the form of government, be it a strong mayor, weak mayor, manager-council, etc.

Q. What are the population requirements for city status?

A. By law none.

Q. *What real property taxes are collected on property within a city?*

A. County, school, and city taxes only are collected.

Q. *Are cities required to have a paid fire department?*

A. No, many cities have volunteer departments or volunteer and paid departments.

Q. *To be a city, must the area first be a village?*

A. No, any area of the state may be incorporated as a city.

IMMEDIATE, WEDNESDAY
AUGUST 12, 1987

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

August 10, 1987

E SENATE:

I am returning herewith, without my approval, the
wing bills:

Senate Bill Number 5055-B, entitled:

#49 ACT establishing the city of Newark-Arcadia"

T A P P R O V E D

The main bill, S.5055-B, would enact a city charter
ating the City of Newark-Arcadia, having the same boundaries
the Town of Arcadia and consisting of all the inhabitants of
Village of Newark and the Town of Arcadia in Wayne County.
charter would establish the structure and function of the
ernment of the City, including provisions designating and
scribing the powers and duties of elective and appointive
icers, prescribing the budget and tax collection processes,
ating a city court, establishing public works, police, fire
other departments and delineating the City's taxing
hority.

The bill would take effect immediately. The charter
ld become effective January 1, 1989 upon approval by a
erendum in the manner provided by law, and all elective
ices provided for in the charter would be filled at the
ember 1988 general election.

A charter is the legal framework for the structure and
ration of a city. No new city has been formed since 1942 and
re are no specific guidelines which must be followed by local
ernments to qualify for city status.

This a well-intentioned bill and one I am eager to
n.

However, the bill contains numerous substantive
iciencies and technical problems. Many of these are admitted
the bill's proponents who have committed themselves to attempt
make amendments.

Nevertheless, although many of these could be addressed
t year by amendments, others which are fatal to its enactment
olve matters of State concern or require further
sideration. For example, the charter appears to be
onsistent with provisions of the State Constitution and
utes concerning the structure and operation of the courts of
unified court system; does not formally dissolve the Village
Newark or the Town of Arcadia; contains no explicit provisions
the type of or procedures for the referendum or notification
voters; and provides for provisions that are inconsistent with

Veto #49 cont'd.)

Other concerns have been raised by the State
Comptroller, the Division of the Budget, the State Board of
Equalization and Assessment and the Department of Taxation and
Finance. I have also been advised that the Town Supervisor
objects to the bill.

For these reasons, I believe that additional time is
warranted so that a more sound measure can be presented. The
creation of a new city, the first in New York in 45 years, is an
awesome undertaking requiring due consideration of the many
complexities that such an endeavor entails. The bill sets the
groundwork for achieving this goal. Using the time before the
next legislative session to resolve these issues should be worth
the effort.

The other bill, S.3909, would amend the Highway Law to
modify the designation of highways in the State highway system in
Wayne County to account for the creation of the city as proposed
in S.5055-B. This bill would only take effect and, consequently,
be needed, upon the creation of the city.

Disapproval of the main bill is recommended by the
Supervisor of the Town of Arcadia, the State Board of
Equalization and Assessment, the Office of Court Administration,
and the Association of Towns of the State of New York.

The bills are disapproved.

(Signed) Mario M. Cuomo

FOR RELEASE:
IMMEDIATE, FRIDAY
DECEMBER 15, 1989

STATE OF NEW YORK
EXECUTIVE CHAMBER
ALBANY 12224

December 15, 1989

MEMORANDUM filed with Senate Bill Number 2655-A, entitled:

"AN ACT to provide for a referendum of the people of the borough of Staten Island on the question "Shall the borough of Staten Island separate from the city of New York to become the city of Staten Island?" and creating a charter commission for such purpose"

16R
(Chapter 773)

A P P R O V E D

The Legislature has decided -- overwhelmingly on both sides of the aisle and in both houses -- that the people of Staten Island should have the opportunity to vote on the question whether they should be allowed to create a new and separate city. It appears to be universally accepted that they are justified in wanting to consider separation from the City of New York. They have been a part of the City since 1898. But a recent decision by the Supreme Court of the United States dramatically changed Staten Island's participation in city governance, reducing its equal vote on the Board of Estimate to a relatively small participation in a new city legislative body. That changed circumstance, added to a long list of grievances by the people of the Island over the years, moved the Legislature to adopt this bill.

Here's what the bill does: It proposes that there be submitted to the voters of the borough of Staten Island at the general election in November, 1990, the question: "Shall the borough of Staten Island separate from the City of New York to become the City of Staten Island?"

If, after the intervening year and the discussion and education process that is sure to follow, the people reject the idea, the secession movement will end.

If the people approve, a charter commission will be created. To assure full understanding of the issues involved in secession and the methodology of accomplishing it, the measure further provides that the Chairman of the Commission shall appoint advisory committees to study: the creation of a Staten Island school district; the civil service rights and retirement benefits of employees of the County of Richmond; and matters related to tax and finance. It also provides for the establishment of a commission composed of State legislators to apportion any local legislative body created by the proposed charter.

The costs of the election and the commission's work are to be borne by the entire State.

Within thirty months, but not before twenty-four months following the date of the referendum creating the commission, the commission is required to submit its proposed charter to the Governor and the Legislature as well as to the borough president of Staten Island.

Then the commission shall hold public hearings in the borough of Staten Island for at least six months, and at the conclusion of such hearings the commission may provide for the submission of the charter to the voters of Staten Island.

S. 2655-A

- 2 -

The bill provides that two questions shall be submitted to the voters in that election. The first question is: "Shall the charter of the city of Staten Island be adopted?" If the vote is negative, then a second question must be answered;

whether the commission should continue in existence for the purpose of drafting an alternative proposed charter for the City of Staten Island." If both of these questions are answered in the negative, the attempt to secede will be ended and the charter commission dissolved.

Thus, there will be a minimum of three years time for the people of Staten Island to be educated on all of the issues involving secession before they are required to actually cast their vote on whether or not Staten Island will secede from the City of New York.

There are no dispositive, substantive arguments offered against the bill. The strongest objection from the government of the City of New York is that there are many complex issues to be studied and discussed. Everyone appears to agree. But there is more than enough time and opportunity to raise and deal with those complex questions.

The other objections are legal and technical. Since there is no perfect precedent, none of the objections -- although some appear plausible -- are compelling. In effect what they say is that the question of secession ought not to be left to just the voters of Staten Island because the question concerns the entire City and even the entire State.

Apart from legal arguments, it is reasonable to conclude that separation concerns everybody in this State and not just Staten Island voters. Indeed this bill acknowledges that, albeit obliquely, by having the whole State bear all the expenses and requiring the proposed charter to be served on both the Governor and the Legislature.

It is not difficult to expand the effect of this bill to meet the unarguably desirable objective of involvement by the whole State through its elected representatives. It can be done by a separate bill requiring that the Legislature adopt any new charter after it has been approved by the voters of Staten Island. Such an addition will solve any of the credible legal objections that may otherwise prove to be valid and will create at the same time a fairer substantive process. My staff has dealt with Senator Marchi, the leading sponsor of the bill, and he agrees that this proposal is a reasonable one and that he will serve as one of its sponsors in the beginning of the 1990 legislative session. I assume that the Legislature that has already demonstrated its eagerness to give Staten Island the chance to be heard, will be quick to support this expansion, which will assure that the opportunity being given to Staten Island is both a legally effective one and a substantively fair one.

I am pleased to give Staten Island, and the whole State, the fair chance to be heard on this important question.

The bill is approved.

(Signed) Mario H. Cuomo