

Draft Report

Review of Government Services at the Village, Town, and County Levels

Government, Infrastructure, and Public Services Working Group

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Special Board

Comprehensive Plan/Local Waterfront Revitalization Plan

Village of Cold Spring

3/4/2010

(The Village of Cold Spring has received N.Y. State Hudson River Valley Greenway and N.Y. Department of State grants.)

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Budget and Tax Rate Summaries

	Cold Spring	Philipstown	Haldane	Putnam
Population (2000 census)	1,983	TW*: 9,422 TOV*: 6,874		95,745
Total assessed value	\$147,535,464 (2008)	TW: \$998,493,752 (2008) TOV: \$813,883,257 (2008)		Assessed values in different towns are not directly comparable
Total budget	\$1,641,143 (6/08 – 5/09)		\$19,926,258 (7/08 – 6/09)	\$121,607,141 (1/09 – 12/09)
Revenue from taxes	\$1,334,797		\$16,438,083	\$24,850,093 from property taxes \$51.6 million from sales taxes
Tax rate per \$1,000 (2008)	\$9.56 (includes \$0.49 for Firemen's Service Award)	TW: \$1.59859 TOV: \$4.73539 plus fire coverage by district	\$31.66 (Garrison: \$17.97) STAR B exempts first \$30,490 Middle Class STAR rebate (2007): \$578 (income <\$120K) \$434 (\$120-175K) \$289 (\$175-250K)	\$4.68 (2008)
Total cost to resident with \$250,000 assessed value (2008)	Village: \$2,390 Town: \$400 Fire: Included Trash: Included School: \$6,950-\$578 (est.) County: \$1,170 ----- Total: \$10,332	Village: N/A Town: \$1,184 (TW+TOV) Fire: \$498 (N. Highlands) Trash: \$432 (typical) School: \$6,950-\$578 (est.) County: \$1,170 ----- Total: \$9,656	Not applicable	Not applicable

* TW = Town Wide; TOV = Town Outside Villages

Government Structure

	Cold Spring	Philipstown	Putnam
Government structure	Mayor plus Board of Trustees (four trustees) Each serve 2-year terms	Supervisor plus Town Council (four members) Each serve ??-year terms	County Executive plus County Legislature (nine legislators)
Remuneration	Mayor: \$9,121 + \$1,041* Deputy Mayor: \$6,000 + \$2,082* Trustees: \$6,000 + \$1,041*	Supervisor: \$25,000 (2008) Deputy Supervisor: \$19,500 Councilperson: \$17,000	County Exec: \$148,635 (2009) Legislators: \$35,136

* Additional payment received for committee chairmanship, although unclear whether these are functioning committees

Police Protection

	Cold Spring	Philipstown	Putnam
Police coverage	Village police department of part-time officers provides coverage 24 hours per day	No local police department Sheriff maintains substation in Philipstown town hall and usually has at least two patrol cars in western Putnam 24 hours per day Cold Spring Police Department responds to some emergency calls in town outside village	Sheriff's Department provides different levels of coverage across the county (see table below)
Associated costs	Approx. \$289K in direct costs (2008 budget) Also indirect costs including office space, shared services, vehicle parking space, etc.	None Contracted with Sheriff during 2008 to provide special traffic patrol during morning rush hour (\$42K) but eliminated for 2009	Total budget (2009) not including jails: \$13,076,460

Comparison of Towns and Villages in Putnam County

Town/Village (Population)	Police Coverage
Carmel (33,006)	Local police department
Kent (14,009)	Local police department with 21 full-time officers
Patterson (11,306)	No local police department Sheriff, State Police, and MTA Police provide coverage
Philipstown (9,422)	No local police department Sheriff provides coverage (see table above)
Putnam Valley (10,686)	Local police department eliminated in 1998 Sheriff maintains a substation and five deputies to provide one patrol 24 hours per day (no cost to town)
Southeast (17,316)	No local police department Contract with Sheriff to provide surveillance of town facilities from 8pm - 4am (\$60K in 2008)
Brewster (2,162)	Local police department (14 part-time officers) covers 6am - midnight Sheriff and State Police cover midnight - 6am (no cost to village)
Cold Spring (1,983)	Local police department provide 24 hour coverage
Nelsonville (565)	No local police dept; same coverage as Philipstown (see table above)

Other Emergency Services

	Cold Spring	Philipstown	Putnam
Fire protection	Cold Spring Fire Company operates under charter with village Details of the charter???	By fire district - four within the town (see below)	None
Fire coverage funding	Village provides building Village taxes cover fire company expenses (\$37K per year) plus Firemen's Service Award (\$50K per year)	Separate line on town (TOV) tax bill by district: <u>Continental Village:</u> \$246K (\$1.76 per \$1,000) <u>Cold Spring:</u> \$41K (\$1.06 per \$1,000) <u>Garrison:</u> \$716K (\$1.91 per \$1,000) <u>N. Highlands:</u> \$555K (\$1.99 per \$1,000)	None
Ambulance services	Covered by Philipstown Volunteer Ambulance Corps	Covered by Philipstown and Garrison Volunteer Ambulance Corps	None
Ambulance funding	Town wide taxes ->	Town wide taxes: \$325K	None

Water and Sewer Services

	Cold Spring	Nelsonville	Philipstown	Putnam
Drinking water	Village Water Department provides drinking water to all residents	Most Nelsonville residents receive drinking water from Cold Spring water supply	Garrison Landing Water District Continental Village Water District A few non-village residents receive water from Cold Spring; remaining residents have private wells	None
Water funding	User fee collected by village	User fee collected by Cold Spring	Non-village residents receiving water pay user fee	None
Sewer	Village Sewer Department provides sewer services to most residents	Most residents have private septic systems Cold Spring wastewater treatment facility sized to handle Nelsonville as well	Non-village residents have private septic systems	None
Sewer funding	User fee collected by village			None

Highway Department Services

	Cold Spring	Philipstown	Putnam
Garbage pickup	Village Highway Department collects trash and recyclables Royal hauls recyclables to Hudson Baylor Funding: Village taxes	No town garbage collection provided; non-village residents contract privately with Royal (\$36 per month typical) or make own arrangements Town covers costs associated with landfill cleanup, well testing around landfill, and landfill services through TOV taxes (\$55K)	Provides \$7,500 toward weekend trash collection (in dispute)
Street maintenance	Village Highway Department cleans, repairs, and resurfaces village streets (6.9 miles total) Funding: Village taxes	Town Highway Department maintains non-village streets (60 miles total?) Funding: TOV taxes (\$2.535M for 2008, including snow removal)	
Snow removal	Village Highway Department clears village streets Village stores county salt in exchange for free salt Funding: Village taxes	Town Highway Department clears non-village streets Funding: TOV taxes (see street maintenance)	
Stormwater management	Village Highway Department maintains village storm drain system No stormwater management program and none currently required Funding: Village taxes	Town Highway Department maintains village storm drain system Philipstown has implemented a stormwater management program as required by state Funding: TOV taxes (see street maintenance)	
Municipal fuel supply	Village departments have keyed access to gas pump at Highway Department facility on Fair Street Funding: Village taxes (by department)	Gas pump at Highway Department on Fishkill Road	

Other Services

	Cold Spring	Philipstown	Putnam
Justice court	Handles criminal, vehicle, traffic, parking, and small claims within the village Funded by village taxes (\$50K)	Handles civil, criminal, zoning, and vehicle/traffic violations within the town Funded by TW taxes (\$93K)	
Recreation facilities	Mayor's Park McConville Park Cold Spring Boat Club Dockside? (in negotiations with State)	Philipstown Recreation Department provides programs and facilities at Philipstown Playing Fields and Glynwood Recreation Center Funded by TW taxes (\$953K less \$524K in revenues)	
Cemeteries			
Property assessment	Provided by Philipstown Board of Assessors through town (TW) taxes	Board of Assessors evaluates properties for taxation purposes town-wide; assessor is elected Funded by TW taxes (\$102K)	
Inspection/code enforcement	One part-time building inspector and one part-time assistant; one part-time fire inspector Funded by village taxes (\$12K)	Code Administrator plus staff responsible for enforcing building, fire, and zoning codes within the town Funded by TOV taxes (\$134K)	
Zoning	Village Zoning Board (members appointed for 5 years) Funded by Village taxes	Zoning Board covers TOV Funded by TOV taxes (\$43K)	
Planning	Village Planning Board (members appointed for 5 years) Funded by Village taxes	Planning Board plus Planning Consultant covers TOV Funded by TOV taxes (\$157K)	

	Cold Spring	Philipstown	Putnam
Conservation	No village services Not covered by town Conservation Advisory Council or Wetlands Inspector	Conservation Advisory Council plus Wetlands Inspector (responsible for ensuring wetlands protection laws are upheld) Funded by TOV taxes (\$26K)	
Health services	No village services	No town services	
Transportation	Limited trolley service during summer Cold Spring station provides Metro North train service	Garrison and Cold Spring stations provide Metro North train service	Pays for Cold Spring trolley service during summer
Senior services	No village services	"Programs for Aging" Senior outreach coordinator Funded by TW taxes (\$24K)	
Tax collection	Village Treasurer collects village taxes	Town Tax Collector collects town taxes Funded by TW taxes (\$27K)	
Legal services	Village attorney acts as legal advisor to the village boards and represents the town in legal disputes Funded by Village taxes (\$45K)	Town attorney acts as legal advisor to the town's boards and represents the town in legal disputes Funded by TW taxes (\$125K)	
Administrative functions	Village Clerk (full-time employee) is responsible for day-to-day administration, issues licenses and permits, records birth and death certificates, website maintenance, comprehensive plan services Funded by Village taxes (\$52K)	Town Clerk is registrar and tax collector, and issues marriage/birth/death certificates Funded by TW taxes	
Auditing	Outside auditor conducts annual review of village records Funded by Village taxes (\$10K)		
Website	Yes	Yes	Yes

	Cold Spring	Philipstown	Putnam
Public meeting facilities	Village hall, firehouse, VFW building	Town hall, VFW building	
Elections			
Library	Butterfield Library Funded by separate line on town (TW) taxes	Butterfield Library and Fish Library Funded by separate line on TW taxes: Butterfield: \$276K Fish Library: \$30K	
Parking	Parking enforcement officer enforces time limits in certain areas of village		

Local Government Handbook

Local Government Handbook

**5th Edition
2008**

**State of New York
Department of State**

**David A. Paterson
*Governor***

**Lorraine A. Cortés-Vázquez
*Secretary of State***

Village Government

In New York State, the village is a general purpose municipal corporation formed voluntarily by the residents of an area in one or more towns to provide themselves with municipal services. But when a village is created, its area still remains a part of the town where it is located, and its residents continue to be residents and taxpayers of that town.

The first village was incorporated at the end of the eighteenth century. The village form of municipal organization became a prominent feature of the state's growing metropolitan areas between 1900 and 1940. The patterns of village organization are similar to those of cities.

Many people think of villages as being small, rural communities. Population size alone however, does not determine whether one community becomes a village and another remains as an unincorporated "hamlet" in a town. In New York State a village is a legal concept; it is a municipal corporation. The largest village in the state, Hempstead in Nassau County, had more than 56,000 residents in 2000, while the smallest city, Sherrill, had 3,147. Fifty-two of New York's 62 cities had populations in the year 2000 that were smaller than Hempstead's.

Villages were originally formed within towns to provide services for clusters of residents, first in relatively rural areas and later in suburban areas around large cities. Today, many of the existing 556 villages are in the areas surrounding the state's larger cities. Many villages have public service responsibilities that differ little from those of cities, towns, and counties, and village officials face the full range of municipal obligations and challenges.

What is a Village?

A village is often referred to as "incorporated." Legally cities, towns, villages and counties are all "incorporated." Hence, there are no "unincorporated villages" in New York State. The vernacular "incorporated village" likely came to be used because villages are areas within towns for which an additional municipal corporation has been formed.

Many places in the state having large numbers of people living in close proximity are neither villages nor cities. Many have names, some have post offices. Some, like Levittown on Long Island, have thousands of residents. If the people in such communities have not incorporated pursuant to

the Village law, they do not constitute a village. While many people refer to such places as "hamlets", the term "hamlet" actually has no meaning under New York law.

By definition, a village is a municipality which, at the time of its incorporation, met statutory requirements then established as prerequisites to that incorporation. Although the Village Law now sets area and population criteria for an initial village incorporation, a number of existing villages have populations smaller than the present statutory minimum.

Historical Development

The earliest villages in the state were incorporated partly to circumvent the legal confusion about the nature and scope of town government that resulted from legislative modification of English statutes. Generally, in the decades after the Revolution, villages in New York were created because clusters of people in otherwise sparsely settled towns wanted to secure fire or police protection, or other public services. Those inhabitants receiving the fire or police service, and not the whole town, paid for such services. A forerunner of villages appears to have been a 1787 legislative act granting special privileges to part of a town, entitled "An act for the better extinguishing of fires in the town of Brooklyn."

The appearance of the village as a formal unit of local government began in the 1790's. Villages were created by special acts of State Legislature, but the starting date for this process is in dispute among historians due to a lack of precision in terminology in those early legislative acts. In 1790, the Legislature granted specific powers to the trustees of "... part of the town of Rensselaerwyck, commonly called Lansingburgh." The term "village" first

appeared in state law in a 1794 enactment incorporating Waterford. The legislative act of 1798, providing for the incorporation of Lansingburgh and Troy as villages, is seen by many historians as the first formal authorization in the state for the village form of government. This enactment included all of the legal elements (including an incorporation clause and delegation of taxing and regulatory power) deemed necessary for a true unit of local government.

First mention of the village as a constitutional civil division appeared in a section of the 1821 New York State Constitution prescribing qualifications of voters. The Constitution of 1846 required that the Legislature "provide for the organization of cities and incorporated villages." The Legislature passed a general Village Law in 1847, but continued to incorporate villages through the enactment of special charters, as it had for the previous half-century. Separate incorporation led to a variety of village government forms, even for villages of similar characteristics. In 1874, a revised State Constitution forbade incorporation of villages by special act of the State Legislature. Since that time, New York State villages have been formed through local initiative pursuant to the Village Law.

An 1897 revision of the Village Law required those villages with charters to comply with provisions of the Village Law that were not inconsistent with their charters. It also gave the charter villages the option of reincorporating under the general law. Although numerous charter villages did reincorporate, 12 villages still operate under charters. These are: Alexander, Carthage, Catskill, Cooperstown, Deposit, Fredonia, Ilion, Mohawk, Ossining, Owego, Port Chester and Waterford.

In the first 40 years of the twentieth century, as people moved from cities into the suburbs, more than 160 villages were incorporated under the Village Law. The rapid growth of towns in suburban areas in the late 1930's and following World War II emphasized the need for alternatives to villages. To provide services, suburban areas made increasing use of the town special district. This had a profound effect on the growth of villages. Although more than 160 villages were formed from 1900 to 1940, only 31 new villages have appeared over the succeeding 66 years, and 24 have dissolved during that period.

There were 556 villages in New York State in 2006. They range in size from the Village of West Hampton Dunes with a 2000 Census population of 11, to the Village of Hempstead, with a 2000 Census population of 56,554. The majority of villages have populations under 2,500, although there were 25 villages between 10,000

and 20,000 population in 2000 and 10 villages with more than 20,000 population.

Over 70 villages are located in two or more towns. There are seven villages which are in two counties. One village, Saranac Lake, lies in three towns and two counties. Five villages — Green Island in Albany County, East Rochester in Monroe County, and Scarsdale, Harrison and Mount Kisco in Westchester County — are coterminous with towns of the same name. A coterminous town-village is a unique form of local government organization. The town and village share the same boundaries and the governing body of one unit of the coterminous government may serve as the governing body of the other unit (i.e., the mayor serves as town supervisor and trustees serve as members of the town board).

Creation and Organization

The Village Law governs the incorporation of new villages and the organization of most existing villages. The 12 remaining charter villages are subject to this law only where it does not conflict with their respective charters.

Incorporation

A territory of 500 or more inhabitants may incorporate as a village in New York State, provided that the territory is not already part of a city or village. The territory must contain no more than five square miles at the time of incorporation, although it may be larger in land area if its boundaries are made coterminous with those of a school, fire, improvement or other district, or the entire boundaries of a town.²⁸

The incorporation process begins when a petition, signed by either 20 percent of the residents of the territory qualified to vote, or by the owners of more than 50 percent of the assessed value of real property in the territory, is submitted to the supervisor of the town in which all or the greatest part of the proposed village would lie. If the area lies in more than one town, copies of the petition are also presented to the supervisors of the other affected towns.

Within 20 days from the filing of the petition, the supervisor of each town affected must post and publish notices indicating that a public hearing will be held on the petition. Where the proposed village is in more than one town, the giving of notice and subsequent hearing are a joint effort of the affected towns. The purpose of the hearing is to determine only whether the petition and the proposed incorporation are in conformance with the provisions of the Village Law. Other considerations and objections to the incorporation are not at issue. This formal

hearing must be held between 20 and 30 days after the date of posting and publication of notice.

Within 10 days after the conclusion of the hearing, the supervisor of the affected town(s) must judge the legal sufficiency of the petition. If more than one town is involved, and the supervisors cannot agree on a decision, their decision is deemed to be adverse to the petition. Any decision made is subject to review by the courts. If no review is sought within 30 days, the decision of the supervisor(s) is final. If the decision is adverse to the petition, a new petition may be presented immediately. If the decision is favorable to the petition, or if the petition is sustained by the courts, a referendum is held within the proposed area no later than 40 days after the expiration of 30 days from the first occurring of either the filing of the supervisors' favorable decision or the filing of a final court order favorable to the petition. Only those residing in the proposed area of incorporation and qualified to vote in town elections may vote in the referendum.

Where the proposed area lies in one town, an affirmative majority of those voting is required in order to incorporate. Where more than one town is involved, an affirmative majority in the area proposed for incorporation in each town is required. If any required majorities are not obtained, then the question is defeated, and no new proceeding for incorporation of the same territory may be held for one year. If a majority vote(s) in favor of incorporation is obtained, and there is no court challenge, the town clerk of the town in which the original petition was filed makes a report of incorporation.

TABLE 11
Village Incorporations Since 1940

VILLAGE	COUNTY	DATE
Florida	Orange	08/05/1946
Prattsburg	Steuben	12/07/1948
Tuxedo Park	Orange	08/13/1952
Sodus Point	Wayne	12/30/1957
New Square	Rockland	11/06/1961
Atlantic Beach	Nassau	06/21/1962
Port Jefferson	Suffolk	04/09/1963
Amchir	Orange	09/09/1964
Pomona	Rockland	02/03/1967
Lake Grove	Suffolk	09/09/1968
Round Lake	Saratoga	08/07/1969
Sylvan Beach	Oncida	03/17/1971
Lansing	Tompkins	12/19/1974

VILLAGE	COUNTY	DATE
Harrison	Westchester	09/09/1975
Pelham*	Westchester	06/01/1975
Kiryas Joel	Orange	03/02/1977
Rye Brook	Westchester	07/07/1982
Wesley Hills	Rockland	12/07/1982
New Hempstead	Rockland	03/21/1983
Islandia	Suffolk	04/17/1985
Cape Vincent*	Jefferson	04/15/1986
Montebello	Rockland	05/07/1986
Chestnut Ridge	Rockland	05/16/1986
West Carthage	Jefferson	07/22/1987
Pine Valley	Suffolk	03/15/1988
Kaser	Rockland	01/25/1990
Bloomfield*	Ontario	03/27/1990
Airmont	Rockland	03/28/1991
W. Hampton Dunes	Suffolk	11/19/1993
East Nassau	Rensselaer	01/14/1998
Sagaponack	Suffolk	09/27/2005
S. Blooming Grove	Orange	07/14/2006
Woodbury	Orange	08/28/2006

* Cape Vincent was created in 1853 but the proper incorporation paperwork was not filed until 1986.

* Pelham and North Pelham were consolidated into Pelham.

* Bloomfield was created by the consolidation of East Bloomfield and Holcomb.

The report is sent to the Secretary of State, the State Comptroller, the State Office of Real Property Services, the county clerk and county treasurer of each county in which the village will be located, and the town clerks of each town in which the village will be located.

Upon receipt, the Secretary of State files the report in his/her office and prepares and sends a Certificate of Incorporation to the clerks of each town in which the village is located. The village is deemed incorporated on the date the report is filed with the Secretary of State. Within five days after the filing of the Certificate of Incorporation, the clerks of each town in which the village is located jointly appoint a resident of the new village area to serve as village clerk until a successor is chosen by the village's first elected board of trustees. Election of the board and mayor is held within 60 days of the appointment of the interim village clerk, except in instances where the new village embraces the entire territory of a town. In that case the election of village officers is held at the next

regular election of town officials, occurring not less than 30 days after the filing of the certificate of village incorporation.

The Legislative Body

The legislative body of a village—the board of trustees—is composed of the mayor and four trustees. However, the board may increase or decrease the number of trustees, subject to referendum. Trustees are elected for two-year terms unless otherwise provided by the board of trustees and subject to permissive referendum.

The village board has broad powers to govern the affairs of the village, including:

- organizing itself and providing for rules of procedure;
- adopting a budget and providing for the financing of village activities;
- abolishing or creating offices, boards, agencies, and commissions and delegating powers to these units;
- managing village properties; and
- granting final approval of appointments of all non-elected officers and employees made by the mayor.

The mayor presides over meetings of the board. A majority of the board, as fully constituted, is a quorum. No business may be transacted unless a quorum is present.

Executive Branch

The chief executive officer of most villages in New York State is the mayor. Unless otherwise provided by the board of trustees, the mayor is elected for a two-year term. In addition to his/her executive duties, the mayor presides over all meetings of the board of trustees and may vote on all questions coming before that body. The mayor must vote to break a tie. The mayor is responsible for enforcing laws within the village and for supervising the police and other officers and employees of the village. The mayor may share the law enforcement responsibility with a village attorney—who may handle prosecutions for violations of village laws, and the county district attorney—who usually handles general criminal prosecutions in the county.

At the direction of the board of trustees, the mayor may initiate civil actions on behalf of the village or may intervene in any legal action “necessary to protect the rights of the village and its inhabitants.” Subject to the approval of the board of trustees, the mayor appoints all department and non-elected officers and employees. Except in villages that have a manager, the mayor acts as the budget officer. The mayor may, however, designate

any other village officer to be budget officer. The budget officer serves at the mayor’s pleasure.²⁹ The mayor ensures that all claims against the village are properly investigated, executes contracts approved by the board of trustees and issues licenses. In certain cases, when authorized by the board of trustees, the mayor may sign checks and cosign, with the clerk, orders to pay claims.

At the annual meeting of the board of trustees, the mayor appoints one of the trustees as deputy mayor. If the mayor is absent or unable to act as mayor, the deputy mayor is vested with and may perform all the duties of that office.

Village Managers or Administrators

In order to provide full-time administrative supervision and direction, some villages have created the office of village manager or administrator. The position of village manager is created by a local law, which fixes the powers of the office and the term of the incumbent. As an alternative to direct adoption of a local law establishing a village manager, a village may create a commission to prepare a local law establishing a village manager and defining the manager’s duties and responsibilities. The commission must issue a report within the time set forth in the local law, which can be no later than two years after the appointment of its members.³⁰ While there is no mandate that the commission prepare a local law creating a village manager, if the commission does prepare such a local law, it must be placed before the voters at a referendum; the board of trustees need not approve the local law.

The village manager is usually assigned administrative functions that would otherwise be performed by the mayor. Under the Village Law, the manager may designate another village official as budget officer, to serve at the pleasure of the manager.

Sixty-seven villages in New York State had an administrator or manager in 2007; they are listed in Table 12. Some of these individuals hold more than one title and some are known as “coordinator”.

TABLE 12

Villages Which Have Administrators/Managers

Akron	East Rochester	Irvington	Pelham Manor	Southampton
Alden	Ellenville	Lake Success	Pleasantville	Spencerport
Amityville	Elmsford	Lawrence	Perry	Springville
Ardsley	Fairport	Lowville	Phoenix	Sylvan Beach
Attica	Farmingdale	Mamaroneck	Port Chester	Tarrytown
Blasdell	Floral Park	Massapequa Park	Port Jefferson	Thomaston
Briarcliff Manor	Fredonia	Massena	Potsdam	Valley Stream
Brockport	Garden City	Monticello	Rockville Centre	Walden
Bronxville	Great Neck Estates	Mount Kisco	Roslyn	Westbury
Buchanan	Groton	Oakfield	Rye Brook	Westfield
Croton-on-Hudson	Hamburg	Ocean Beach	Scarsdale	Williamsville
Dobbs Ferry	Hastings-on-Hudson	Old Westbury	Sea Cliff	
East Aurora	Horseheads	Ossining	Seneca Falls	
East Hampton	Huntington Bay	Pelham	South Floral Park	

SOURCE: 2007 NYCOM Directory of City & Village Officials, New York State Conference of Mayors and Municipal Officials, 2007.

Other Village Officers

The village treasurer is the chief fiscal officer of the village. The treasurer maintains custody of all village funds, issues all checks and prepares an annual report of village finances.³¹

The village clerk has responsibility for maintaining all records of the village.³² The clerk collects all taxes and assessments, when authorized by the village board, and orders the treasurer to pay claims. The clerk is required "on demand of any person" to "produce for inspection the books, records, and papers of his/her office."³³ The clerk must keep an index of written notices of defective conditions on village streets, highways, bridges, crosswalks, culverts or sidewalks and must bring these notices to the attention of the board at the next board meeting or within 10 days after their receipt, whichever is sooner.³⁴

Unless local law provides otherwise, the mayor appoints both the clerk and the treasurer with the approval of the board of trustees. Terms are established at 2 years and may be increased. In many villages, the offices of clerk and treasurer are combined and are held by a single person.

Where no village office of justice has been established, or where the office has been abolished, the functions devolve on the justices of the town or towns in which the village is located.

Organization for Service Delivery

Differences in the size of villages and in the services they perform make it difficult to describe the organization of a "typical" village. Larger villages often have multi-departmental organizations similar to cities, while small villages may employ only one or two individuals. Functions performed by villages range from basic road repair and snow removal to large-scale community development programs and public utility plants. A number of villages operate their own municipal electric systems.

Financing Village Services

Like most local governments, villages have a strong reliance on the real property tax to finance their activities. In the 2004 fiscal year the real property tax accounted for nearly 45 percent of total village revenues in New York State. The balance of the revenues comes from a variety of sources; these include user charges and other revenue from water and sewer services, electric systems, airports and marinas, as well as license and rental fees and penalties on taxes. Special activities generated about 39 percent of all village revenues in fiscal 2004. Sales tax revenues in 2004 accounted for 5 percent of total revenues for villages. State and federal aid provided 11 percent of village revenue in 2004.

State Aid and Village Finance

State aid programs that provide funds to villages are Aid Incentives for Municipalities (AIM) program, mort-

gage tax, aid for the construction and operation of sewage treatment plants and aid to youth bureaus and recreation programs. A more detailed discussion of revenue sharing and other state aid appears in Chapter XI.

The mortgage tax is a state tax is collected by counties. The allocation to towns is made according to the location of the real property covered by the mortgages upon which the tax was collected. For towns that contain a village within its limits, a portion of the town allocation is made to the village according to the proportion the assessed value of the village bears to twice the total assessed valuation of the town. While a village under this formula would receive aid even if no mortgages were registered in a village, the town may receive the greater amount of revenue, even though much of the property that yields the revenue may be within villages in the town.³⁵

Village Dissolution

Just as villages are formed by local action they can be dissolved by local action. Article 19 of the Village Law provides the procedure for village officials and electors to disband their village. Since villages are formed within towns, the underlying town or towns would become fully responsible for governing the territory of the former village after it is dissolved.

The dissolution process may be commenced by the village board of trustees on its own motion or through the presentation of an appropriate petition to the board of trustees. If a proper petition is presented, the board is obligated to prepare a "dissolution plan" and to submit a proposition for dissolution to the electors. If the board seeks to initiate the dissolution process on its own motion, it may submit a proposition to dissolve the village to the electors, again in accordance with a plan for dissolution. In either case, the question must be decided by the voters of the village at an election.

The village board of trustees is responsible for preparing the dissolution plan. The village law lists 8 criteria which must be addressed in a 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 or same; (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 section 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.

The village board of trustees must appoint a study committee to prepare a report on the dissolution of the village. The study committee must include at least two representatives, who reside outside the village boundaries, from each town or towns in which the village is situated. A copy of the report must be sent to the village board of trustees and supervisor of each town in which the village is situated. 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, the study committee must hold at least one public hearing upon 20 days notice published in the official village and town newspapers.

The village board of trustees must also hold at least one public hearing, which must be preceded by notice provided 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. Once the board of trustees' hearing is concluded, the proposition is generally presented to the village voters at the next regular or special village election for officers held not less than 30 days after the board of trustees hearing.

The proposition to be submitted to the voters 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 – incomplete though it may be – of the tangible effects of the dissolution.

If the proposition is approved by a majority of those voting on the question, 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 would then be dissolved as of the thirty-first day of December in the year following the year in which the election took place. If the proposition is defeated, no similar proposition can be submitted within two years of the date of the referendum.

TABLE 13
Village Dissolutions in New York State

Village	County	Date
Roxbury	Delaware	04/18/1900
Prattsville	Greene	03/26/1900
Rifton	Ulster	08/18/1919
Union*	Broome	1921
LaFargeville	Jefferson	04/18/1922
Brookfield***	Madison	12/31/1923
Orancl	Allegany	12/23/1925
Eastwood**	Onondaga	08/06/1926
Newfield	Tompkins	12/02/1926
Pleasant Valley	Dutchess	05/22/1926
Marlborough	Ulster	04/20/1928
Northville	Suffolk	05/16/1930
Old Forge	Herkimer	10/21/1933
Forestport	Oneida	06/18/1938
North Bangor	Franklin	03/24/1939
The Landing	Suffolk	05/25/1939
Downsville	Delaware	09/21/1950
Amchir	Orange	04/30/1968
Prattsburg	Steuben	09/22/1972
Pelham	Westchester	06/01/1975
N. Pelham	Westchester	06/01/1975
Fort Covington	Franklin	04/05/1976
Friendship	Allegany	04/04/1977
Belleville	Jefferson	04/20/1979
Rosendale	Ulster	05/23/1979
Savannah	Wayne	04/25/1979
Elizabethtown	Essex	04/23/1981
Bloomington	Essex	02/26/1985
Pine Hill	Ulster	09/24/1985
Woodhull	Steuben	01/13/1986
East Bloomfield	Ontario	03/27/1990
Holcomb	Ontario	03/27/1990
Pine Valley	Suffolk	04/04/1990
Ticonderoga	Essex	05/01/1992

Village	County	Date
Westport	Essex	05/29/1992
Henderson	Jefferson	05/23/1992
Schenecvus	Otsego	03/29/1993
Fillmore	Allegany	01/13/1994
Mooers	Clinton	03/31/1994
Andes	Delaware	12/31/2003

* date of 1921 based on the last financial record on file at OSC; annexed into the village of Endicott, April, 22, 1964

** annexed into the city of Syracuse

*** based on referendum date

Trends

Several significant trends, issues, and problems affecting village government in New York have become apparent in the last quarter of the Twentieth Century.

Zoning

The power to zone the area of the village separately from the remainder of the town still provides an incentive for village incorporation. The 1972 recodification of the Village Law continues the authority of the board of trustees to regulate land use, lot sizes, and density of development. With certain exceptions, villages that adopt their first zoning law must establish a zoning commission to draft regulations and establish zone boundaries. They must also establish a zoning board of appeals to hear appeals from decisions made by the village official who enforces zoning regulations. A more detailed discussion of zoning and other aspects of land use regulation appears in Chapter XVI. It should be noted that the proliferation of villages in Nassau County resulted in a charter provision that grants zoning authority to towns within any territory incorporated as a village on or after January 1, 1963.

Village - Town Relations

Fiscal relations continue to be a source of contention between towns and villages. Village residents are liable for payment of taxes to the town in which their village is located, as well as to the village in which they reside. Before the advent of the automobile, village residents rarely considered this dual taxation unduly burdensome. However, the need for miles of paved town roads and the rapid growth of population in towns near the state's metropolitan areas has greatly increased expenditures for town highways and highway-related items.

The State Highway Law exempts village residents from paying the costs of repair and improvement of town highways, thus relieving them of a substantial portion of the town highway maintenance expense. Unless exempted

by the town board, however, village residents must help bear the costs of town highway equipment and snow removal on town roads. Village residents not exempted from such highway costs often feel that they are being taxed for town services they do not receive or use in addition to being taxed for the same services within their village. Villages also regard as inequitable the rent the town may charge for village use of the town highway equipment that the village residents have already helped pay for through taxation.

The question of who should pay for what services has been a source of contention between towns and villages

since the 1950's, but it can be resolved through local cooperative action. Towns and their constituent villages often undertake formal and informal cooperative ventures. Many share municipal buildings as well as officials and employees, or engage in cooperative purchasing, auto maintenance, and emergency vehicle dispatching. For example, one government may provide library, ambulance, landfill or recreation programs to the other at a negotiated fee. More information on inter-municipal agreements is found in Chapter XVII.

Chapter Endnotes

28. Village Law, Article 2 is the Village Incorporation Law.
29. Village Law, §5-500(2).
30. Village Law, §§18-1820 to 18-1828.
31. Village Law, §4-408.
32. Village Law, §4-402.
33. Village Law, §4-402(c).
34. Village Law, §4-402(g).
35. Tax Law, §261(3).