

Village of Waddington Draft Dissolution Plan

May, 2011

Prepared By:



P.O. Box 3367
Saratoga Springs, NY 12866
518.899.2608

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VILLAGE OF WADDINGTON DRAFT DISSOLUTION PLAN

FOR PUBLIC PRESENTATION ON

MAY 2, 2011

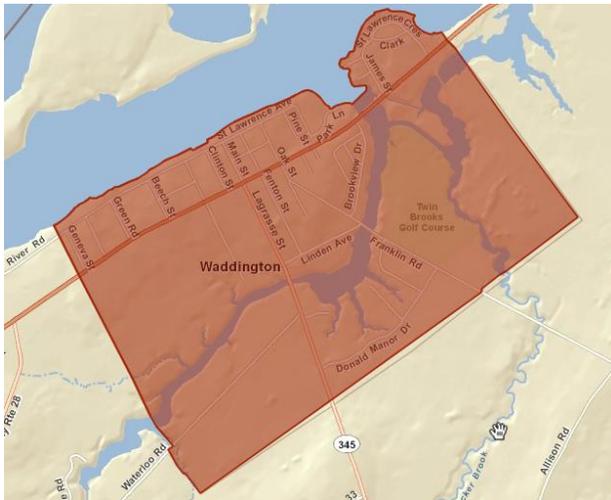
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This document sets forth, in detail, the Dissolution Plan of the Village of Waddington as developed by the Committee. If approved by a majority of the qualified voters, the Village of Waddington will be dissolved as of the end of the Town fiscal year in the year after a referendum to dissolve has been passed. This Plan has been developed with the expectation that if dissolution of the Village is approved by voters that the succeeding Town government will provide for and comply with the Plan as set forth in this document. See map below of the boundaries of the Village of Waddington, NY.

A. The Name of the Local Government Entity to be Dissolved

The Village of Waddington

B. The Territorial Boundaries of the Entity



C. The Type and/or Class of the Entity

Village

D. A Fiscal Estimate of the Cost of Dissolution

It is estimated that the act of dissolution will cost the Town \$25,000. Primary expenses will include legal fees to establish the special districts, review Village laws, etc.

E. Any Plan for the Transfer or Elimination of Public Employees

1. The following Village positions will be eliminated:
 - Mayor
 - Village Trustees
 - Clerk/Treasurer
 - Deputy Clerk
2. Three employees will transfer to the Town staff:
 - All three employees of the Village DPW staff will be transferred to the Town staff. The Village DPW staff transferred to the Town will continue to operate the water/sewer service facilities and there will be no change in the provision of water and sewer services to Village residents as a result of dissolution. Water and sewer services will be paid through water and sewer district charges billed to special district taxpayers. It is the intent of this Plan that no current Village DPW services be reduced as a result of dissolution, but that the Plan recognizes that there may be future efficiencies in the delivery of these services.
 - At the time of dissolution the three employees who will transfer to the Town will become Town employees, paid at the Village pay scale. During the first year following the date of dissolution, they will receive salary and benefit adjustments afforded to Town employees per Town employment policy. In addition, during this time the ex-Village employees' titles, wages/salaries and benefits will be integrated into a unified Town employee schedule. The Town will place former Village employees into the classification that most closely fits their former title, but not necessarily their former wage. If there is any accrued vacation/sick/personal time that exceeds the current Town maximum limit, the former Village employee will be entitled to retain the accrued vacation/sick/personal time.

** Memorandum of understanding required between the Town and Village regarding the transfer of DPW employees and the Town's acceptance of Village employees. At this time there have been no discussions.*
3. The expenses associated with personnel and related contractual obligations for the Village code enforcement officer will be transferred to the Town. Village code enforcement responsibilities, including safety inspection responsibilities, will be absorbed by the Town code enforcement officer.
4. Section 70 of NYS Civil Service Law, paragraph two, deals with the transfer of Civil Service personnel upon transfer of function. It is anticipated that when the Town Board takes over the duties and responsibilities for the services formerly provided by the Village, that employees covered by Civil Service will be transferred, according to the Dissolution Plan, in accordance with Section 70, paragraph two of the Civil Service Law.

F. The Entity's Assets, Including but not Limited to Real and Personal Property, and the Fair Value Thereof in Current Money of the United States

1. Unless otherwise provided for in this Plan, all Village real property improved or not improved will become the property of the Town of Waddington. The Town will take title to the Village real property with the understanding that the Town will honor all existing leases, agreements, or other arrangements between the Village and lessees or other users of Village property. Real property transferred to the Town will be done without consideration¹ and the Town will, at its option, prepare any and all deeds for the Village to execute prior to the date of dissolution. A listing of Village owned equipment and other assets, is in the Appendix to this Plan.

** This is an initial list prepared by the Dissolution Study Committee and the Village should conduct a full asset inventory prior to a vote.*

2. Personal property and other fixed assets of the Village will not be sold upon dissolution but will be owned and used by the Town as long as the Town deems them to be useful. Personal property owned by the Village at the time of dissolution will become the property of the Town. Personal property will mean and include office equipment, furniture, motor vehicles, tools, parts inventory, furniture and any other item commonly considered to be personal property.
3. Title to the ice skating arena property will be transferred to the Town, which will become responsible for operation of the facility.
4. The Village Department of Public Works garage facility has been paid through the Sewer Fund and will become part of the Sewer District. All equipment will become the property of the Town, which will determine future use of the facilities. Operation of the facilities will be under the management of the Town Highway Superintendent.

G. The Entity's Liabilities and Indebtedness

Currently (as of 2/25/2011) the Village has debts in the general fund and sewer fund.

1. The principal outstanding for Village sewer debt is \$1,085,250. As described in Section I, paragraph 8 of this Plan, the sewer debt will remain with the new Waddington sewer district, thus there will be no net change and no net shift between taxpayers for Village sewer debt.
2. The principal outstanding in the Village general debt is \$133,614 for the fire truck and \$16,740 annually in retiree benefits.
 - Payment of the fire truck debt will be covered by a tax applied to residents of the Waddington Fire Protection District
 - The Village has two retired employees and one spouse of a retiree receiving benefits. The costs (\$16,740 annually) will become the responsibility of a newly formed special district and will be paid out of a special tax applied to current Village property. It is the intent of this dissolution plan not to diminish any of the benefits that Village retired employees now have

H. Any Agreements Entered Into With the Town or Towns In Which the Entity is Situated

¹ "Without Consideration" means a complete transfer of Village property to the Town without cost to the Town.

All agreements are outlined in this document with the associated action.

I. The Manner and Means by Which the Residents of the Entity Will Continue to be Furnished Municipal Services

This section describes not only how Village functions or services will continue if the Village dissolves, but also which aspects of Village government will change due to merging two governments into one.

1. Upon the dissolution of the Village of Waddington, the Town of Waddington will assume the duties and functions of the Village, in accordance with this Plan. The cost of certain services in the existing Village – water, sewer, lighting, retiree benefits – will be met by fees or taxes levied on real property located within the bounds of Special Improvement Districts established by the Town Board as explained in the paragraphs numbered 7 through 11 below.
2. The Village Board of Trustees will be eliminated. Most expenses associated with personnel and contractual obligations for this function will be saved since the Town will assume legislative responsibility for the former Village with only a small increase in the amount paid to the Trustees. The size of the Town Board will not change.
3. The position of Village Mayor will be eliminated and costs for salary and contractual expenses will be saved.
4. The full-time position of Village Clerk/Treasure and part-time position of Deputy Clerk in the Village of Waddington will be eliminated. Some expenses associated with personnel and related general administrative contractual obligations will be saved, except the Town will require additional hours from the Town Clerk and Town Deputy Clerk positions to provide support for administrative responsibilities the Town will have upon dissolution of the Village.
5. The Village and Town currently have their own attorneys. The Village attorney agreement will end and the Town will continue to have a contractual arrangement with an attorney.
6. The Village Offices are located in the Town-owned municipal building so no transfer will need to take place. Any costs of day-to-day operation currently paid by the Village will be transferred to the Town.
7. Water services for Village residents will be maintained. The Town will create and establish by resolution a Special Improvement District to be known as the Waddington Water District as provided by Articles 12 and 12A of Town Law and assume the responsibilities of the new Water District for water supply, and also maintenance and repair of all existing water lines within the existing Village. The boundaries of the Water District will be the boundaries of the existing water service provision area. Costs for the Water District will be met by user fees. Existing Village water fund debt will revert to the Water District users and be paid for through user fees. The water plant now operated by the Village will be operated by the Town of Waddington.
8. Sewer services for Village residents will be maintained. The Town will create and establish by resolution a Special Improvement District to be known as the Waddington Sewer

District as provided by Article 12 and 12A of Town Law. The Town will assume the responsibilities of the new Sewer District for maintenance and repair of all sewer lines within the existing Village. The boundaries of the Sewer District will be the boundaries of the existing sewer service provision area. Costs for the Sewer District will be met by user fees. Existing Village sewer fund debt will become the responsibility of the newly formed Sewer District and be paid through user fees. The sewer plant now operated by the Village will be operated by the Town of Waddington.

9. Prior to the effective date of dissolution of the Village, in accordance with Village Law Article 19-1914 the Town will adopt an order expanding the Waddington Fire Protection District encompassing all property in the Town of Waddington including the current Village. The costs of operating the Fire Protection District will be met by taxes levied on the benefiting real property located within the boundaries of the Town of Waddington.
 - a. Upon dissolution, the Village Fire Department will be dissolved and will reform as a 501(c)3 nonprofit organization that will be called the Waddington Fire Company, Inc.
 - b. The Board of Trustees of the Village of Waddington will turn over to the Town of Waddington all of the Village's rights, title, and interest in the Village Fire Department. All such property, vehicles and equipment owned by the Village and used by the Village Fire Department for the purpose of firefighting will be leased to the Waddington Fire Company.
 - c. The current Village obligation to pay for a new fire truck will become a Town of Waddington Fire Protection District obligation, with costs billed as a separate district charge to all taxpayers in the Town of Waddington Fire Protection District.
 - d. When the Village turns over equipment and assets of the Village Fire Department to the Town of Waddington it will stipulate that if any equipment or assets are sold that the proceeds will be used to reduce the debt on the fire truck.
10. The Town will create and establish by resolution a Special Improvement District to be known as the Waddington Lighting District as provided by Article 12 and 12A of Town Law. The Town will provide street lighting within the boundaries of the existing Village, with costs billed as a separate district charge to Village taxpayers.
11. The Town will create and establish by resolution a Special District to be known as the Waddington Village Retiree Benefit District as provided by Article 12 and 12A of Town Law. The Town will continue to pay Village employee retiree benefits with costs billed as a separate district charge to Village taxpayers.
12. Refuse, recycling and sidewalk snowplowing services for Village residents will be maintained and provided by the Town.

** The Town and Village should enter into a memorandum of understanding prior to dissolution regarding this item. At this time no discussions have occurred.*

13. Village streets, highways, roads, alleys, sidewalks, etc. will be included in the Town highway and road system and be operated and maintained by the Town as a Townwide expense. Contractual expenses for operations related to snow removal (excluding sidewalk snow removal), sidewalks and curbs and off-street parking will all transfer to the Town. The Town will assume responsibility for these functions. To accommodate the added responsibilities, the Town will hire the three Village DPW employees whose positions will be eliminated when the Village dissolves. The Plan also provides that:
 - a. Street sweeping services in the Village will be unchanged, with these services provided by the Town Highway Department.
 - b. Brush/weeds/tree trimming in the Village will be unchanged, with these services provided by the Town Highway Department.
 - c. Village beautification services will be provided by the Town Highway Department.

** The Town and Village should enter into a memorandum of understanding prior to dissolution regarding this item. At this time no discussions have occurred.*
14. The Village will no longer provide support to the Town summer youth program and this cost will be borne solely by the Town.

** The Town and Village should enter into a memorandum of understanding prior to dissolution regarding this item. At this time no discussions have occurred.*
15. Court services are provided by the Town and will continue unchanged.
16. Assessor services are currently provided by the Town and will continue unchanged.
17. Animal control services are currently provided by the Village and will be transferred to the Town and will continue unchanged.
18. The services of a Village historian are currently provided by the Village and will be transferred to the Town and this service will continue unchanged.

** The Town and Village should enter into a memorandum of understanding prior to dissolution regarding this item. At this time no discussions have occurred.*
19. Costs for engineering services, whether in the Town or Village, are paid on a contractual basis after an agreement for engineering services is approved by board members. This practice will continue under the Town, and the Town will pay all costs for engineering services.
20. Upon dissolution of the Village all its records, books and papers will be deposited with the Town Clerk and will thereafter become part of the Town records.
21. Except as specified in the section "Laws and Ordinances," Village laws and ordinances will be retained for at least two years after Village dissolution. The Town will plan to adopt or revise relevant Village laws and ordinances, in accordance with the Laws and Ordinances section, as soon as is practical after dissolution.

J. Terms for the Disposition of the Entity’s Assets and the Disposition of its Liabilities and Indebtedness, Including the Levy and Collection of the Necessary Taxes and Assessment

1. Upon a vote to dissolve, but prior to dissolution, the Village of Waddington will use any remaining general fund balance (\$327,846 as of the June 2010 AUD) to pay down outstanding principal on the fire truck. Any fund balance in the sewer fund (\$153,776 as of the June 2010 AUD) will be transferred to the sewer district. There will be no change in how the Village’s water fund balance (\$53,029 as of the June 2010 AUD) will be used to benefit Village water users.
2. The Village has two retired employees and one spouse of a retiree receiving benefits. The costs (\$16,740 annually) will become the responsibility of a newly formed special district and will be paid out of a special tax applied to current Village property. It is the intent of this dissolution plan not to diminish any of the benefits that Village retired employees now have
3. This Plan describes payment of all outstanding Village obligations. Upon dissolution, the Town will be responsible for collection of the tax levy and collection of the necessary taxes and assessments, in accordance with the Plan.

K. Findings as to Whether Any Local Laws, Ordinances, Rules or Regulations of the Entity Shall Remain in Effect After the Effective Date of Dissolution

All local laws, ordinances, rules, and regulations of the Village of Waddington in effect on the date of dissolution of the Village, will remain in effect for a period of two years following the dissolution. These may be enforced by the Town Board within the limits of the dissolved Village. The Town Board will have the power at any time to amend or repeal such local laws, ordinances, rules, and regulations.

The following current Village laws will not become part of Town law.

<u>Local Law #</u>	<u>Year</u>	<u>Description</u>
1	1968	Utility Tax
1	1977	Joint Recreation Commission for Village & Town
1	1978	Tax Abatement
1	1981	Salary Raise for the Mayor
1	1984	Termination Assessing Unit Rural Property Law
1	1985	Administration/ Enforcement of Fire Code Prev. & Building Code
2	1985	Retirement Incentive
1	1989	Village of Waddington TWRP Consistency Law
1	1998	Amending Zoning Ordinance & Planning board from 3-5
1	1999	Establishing 4 year terms for Elected Officials
1	2001	Re-establishing Waddington Village as an Assessor Unit
1	2006	Village Clerk Residency
3	2007	Authorization for Certain Officials to Issue Appearance Tickets
1	2008	Termination of Assessing Unit

The following current Village laws would be adopted as-is or modified at the discretion of the Town Board:

<u>Local Law #</u>	<u>Year</u>	<u>Description</u>
1	1971	Sewer Ordinance/Dutch Elm Tree Ordinance
1	1976	Swimming Pools
2	1977	Prohibition of All Night Parking
2	1978	Games Of Chance
1	1979	Amendment to Sewer Ordinance
1	1980	State Fire Prevention Code
2	1980	Ensure Farmers in the sale & rental of dwellings
2	1981	Civil Rights Action
1	1982	No Civil Action (written 30 days prior)
2	1984	Recreational Vehicles
1	1987	Open Container Ordinance
1	1990	Amendment to Zoning Ordinance
2	1990	Amendment to Prohibition of All Night Parking of 1977
1	1991	Mandatory Recycling
1	1992	Rezoning Change
1	1993	Games of Chance
1	1995	Short title (publication of Abstract of Local Laws)
2	1995	Zoning & Subdivision
3	1995	Junkyards
1	1996	Use of Village Docks
1	1997	Rezoning Flacks
1	1998	Property Maintenance
2	2001	Recreational Vehicles
1	2002	Establishing Definition & Use of Minor Subdivision
2	2006	Prohibition of Outdoor Wood Burning Furnaces
1	2007	Unsafe Buildings
2	2007	NYS Fire Prevention & Building Code

L. The Effective Date of the Proposed Dissolution

The effective date of dissolution will be the end of the Town fiscal year in the year after a referendum to dissolve has been passed.

M. The Time and Place or Places for a Public Hearing or Hearings on the Proposed Dissolution Plan

To be determined

N. Any Other Matter Desirable or Necessary To Carry Out Dissolution

1. The Village should get a legal opinion regarding the impact of dissolution on the New York Power Authority's Community Enhancement Fund distribution by the Task Force.

**At this time a legal opinion is not available but the Task Force has passed a resolution stating their intention to transfer the \$80,000 payment to the Town upon dissolution.*

2. The Village of Waddington has conducted a dissolution feasibility study and has determined that dissolution is likely to have the following impact on tax rates and average homeowners in the Town and Village of Waddington.

Impact on Tax Rates			
	Current	Post-Dissolution With Tax Credit	Post Dissolution Without Tax Credit
Town General	\$ 2.22	\$ 2.32	\$ 2.32
Village General *	\$ 3.16	\$ -	\$ -
Fire Protection	\$ 0.51	\$ 0.65	\$ 0.65
Lighting	\$ -	\$ 0.58	\$ 0.58
Special District - Retiree Benefits	\$ -	\$ 0.35	\$ 0.35
Citizen Empowerment Tax Credit	\$ -	\$ (0.53)	\$ -
Town Resident Tax Rate	\$ 2.73	\$ 2.44	\$ 2.97
Village Resident Tax Rate	\$ 5.38	\$ 3.37	\$ 3.90
Impact on Home Assessed at \$100,000			
Town Resident			
	Current	Post-Dissolution With Tax Credit	Post Dissolution Without Tax Credit
Town Tax Bill	\$ 222.00	\$ 232.00	\$ 232.00
Fire Protection	\$ 51.00	\$ 65.00	\$ 65.00
Citizen Empowerment Tax Credit	\$ -	\$ (53.00)	\$ -
Total	\$ 273.00	\$ 244.00	\$ 297.00
Difference from Current	\$ -	\$ (29.00)	\$ 24.00
Village Resident			
	Current	Post-Dissolution With Tax Credit	Post Dissolution Without Tax Credit
Village Tax Bill	\$ 316.00	\$ -	\$ -
Town Tax Bill	\$ 222.00	\$ 232.00	\$ 232.00
Water Bill	\$ 130.00	\$ 143.79	\$ 143.79
Sewer Bill	\$ 463.00	\$ 556.55	\$ 556.55
Fire Protection	\$ -	\$ 65.00	\$ 65.00
Lighting	\$ -	\$ 58.00	\$ 58.00
Special District - Retiree Benefits	\$ -	\$ 35.00	\$ 35.00
Citizen Empowerment Tax Credit	\$ -	\$ (53.00)	\$ -
Total	\$ 1,131.00	\$ 1,037.34	\$ 1,090.34
Difference from Current	\$ -	\$ (93.66)	\$ (40.66)

Appendix A

Village of Waddington Asset Inventory			
Equipment	Value	Equipment	Value
Pickup 2000 Chevy	\$ 2,200	Shop Air Compressor	\$ 1,500
Pickup 1998 GMC	\$ 2,000	Air Tools Impact	\$ 200
Dump Truck F550	\$ 25,000	Air Tools Ratchet	\$ 80
Sewer Jetter	\$ 12,000	Air Tools Sockets	\$ 50
Holder	\$ 90,000	Portable Hoist 1/2 Ton	\$ 1,000
Grade All	\$ 31,000	Shop Hoist 2 Ton	\$ 1,800
Backhoe	\$ 44,000	Bearing Puller Set	\$ 1,500
Air Compressor Portable	\$ 5,000	Floor Jack and stands	\$ 250
John Deere Tractor	\$ 14,000	Arc Welder	\$ 500
Generator Portable 50KW	\$ 17,000	Set Torches	\$ 250
Generator Portable 40KW	\$ 15,000	Bench Grinder	\$ 100
Generator Portable 20KW	\$ 9,000	Hand Held Grinder	\$ 289
Riding Mower Ferris	\$ 14,000	Skill Saw	\$ 190
Riding Mower Husky	\$ 500	Drill 1/2"	\$ 126
Weedeaters	\$ 500	Drill Rotohammer	\$ 253
Pump Trash	\$ 600	Floke electrical Tester	\$ 2,000
Pump Muddsucker	\$ 1,200	Dell Computer	\$ 700
Push Mower	\$ 500	ph Meter	\$ 1,683
Tamper Plate	\$ 850	Timer	\$ 172
Tamper Jump n Jack	\$ 2,500	Magnetic Stir	\$ 500
Fall protection hoist	\$ 3,000	E moff Cones	\$ 66
Blower	\$ 400	Settle o meter	\$ 197
Gas Detector	\$ 1,200	Balance	\$ 3,000
Trench Box	\$ 3,400	Microwave	\$ 625
Tapping Machine plastic	\$ 1,500	Still	\$ 5,000
Tapping Machine iron	\$ 1,500	Incubator	\$ 4,000
Pipe Descaler	\$ 140	Refridgerator	\$ 500
Pipe Locator	\$ 800	Royce Meter	\$ 1,680
Cordless Drill 1/2	\$ 230	Sludge Judge	\$ 130
Cordless 1/2 impact driver	\$ 430	Oven	\$ 1,000
Cordless sawzall	\$ 389	Conductivity Meter	\$ 749
Demo Saw	\$ 1,000	Chlorine Colormeter	\$ 337
Chain Saws	\$ 800	Flowmeters	\$ 6,000
Shop Hand Tools	\$ 2,000	Fax Machine Printer	\$ 400
Subtotal	\$ 303,639	Subtotal	\$ 36,827
TOTAL			\$ 340,466