

Dissolution Plan for the Village of Malone

August 28, 2012

This document sets forth, in detail, the Dissolution Plan of the Village of Malone as developed and approved by the Malone Dissolution Study Committee. Following submission of the Plan to the Village Board, the Board held a public hearing on August 21, 2012 at the Village Hall at 16 Elm St. Further to the input from the public hearing, the Board makes one amendment to the Dissolution Plan as follows:

The following paragraph under item #14 is deleted:

- *Police Services:* Will become a special police district within the boundary of the former Village, subject to State legislative approval. Costs associated with police services will be assigned to this special taxing district. Police expenditures for the 2011-2012 fiscal year, included benefits and equipment totaled \$1,380,216. Based on current taxable assessed value of the Village and current costs, the estimated cost of the separate levy for those services is approximately \$8.64 / \$1,000.

The information in the paragraph above is replaced with the following:

- *Police Services:* Police protection services will be provided town wide through a newly created Town Police Department. Costs will be allocated town wide.

This plan was approved by the Board at its meeting of August 28, 2012.

Dissolution Plan

OVERVIEW

1. The local government entity to be dissolved shall be the Village of Malone, New York.
2. The territorial boundaries of the Village of Malone are shown in the map in Appendix C of this report. The Village of Malone is located entirely within the Town of Malone which is in Franklin County, New York.
3. The type of entity is a village as defined in New York Village Law.

FISCAL ESTIMATE OF THE COST OF DISSOLUTION

4. The fiscal estimate of the cost of the dissolution is estimated to be approximately \$72,000. This includes the following cost components:

- Consultant fees to assist the Village in preparing the Plan and related documents and processes: \$52,000 (funded primarily with a New York State Local Government Efficiency grant)

- Legal fees to assist the Village researching legal issues: \$18,000
- Miscellaneous advertisement fees, public referendum fees, etc.: \$2,000

A complete fiscal and tax impact analysis of dissolution is presented in the Study Committee's Final Report.

TRANSFER OR ELIMINATION OF VILLAGE EMPLOYEES

5. The plan for the transfer or elimination of the current employees of the Village is shown below. All current Village employee positions will be eliminated. The Town will assume responsibility for the work provided by current Village employees as follows:

- The Mayor and Village Board positions will be eliminated. *(Estimated savings of \$56,399).*
- The expense for all Village administration, Department of Public Works, code and police staff will be assumed by the Town. This plan assumes that there will be no reduction in staff size or requirements following dissolution. It will be a Town decision whom to hire or contract with to do this work (pursuant to NYS Civil Service Laws).

DISPOSITION OF PROPERTY OF THE VILLAGE & FUND BALANCES

6. All real property improved or not improved will become the property of the Town of Malone. Water and sewer facilities will be assigned to the Malone water and sewer districts. The Town will take title to the Village real property with the understanding that the Town will honor all existing agreements or other arrangements between the Village and 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.

Village-owned property and fair value (based on current assessed value), according to the Franklin County Office of Real Property, are listed in the table below.

Village of Malone - Village Owned Property				
Parcel ID	Street Name	Class #	Property Class	Total AV*
98.-1-3.100	Brand Rd	852	Landfill	\$6,600
98.-1-27	Lane St	853	Sewage	\$1,592,600
98.-1-35.100	West St	314	Rural Vac Land	\$10,800
98.-1-62	Bare Hill Rd	323	Vac Rural	\$3,000
98.80-4-5	Factory St	311	Res Vac Land	\$3,300

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

98.83-1-1	Hawley Ave	311	Res Vac Land	\$10,100
98.83-2-9	Beman St	311	Res Vac Land	\$4,300
112.-2-9	State St	963	Municipal Park	\$15,000
112.25-2-8.200	Elm St(off St)	330	Vac Comm	\$2,500
112.25-2-9	Elm St	652	Gov't Building	\$174,000
112.25-2-10	Elm St	652	Gov't Building	\$142,500
112.25-3-14	Park Pl	662	Police/Fire	\$410,400
112.25-4-1	E Main St	963	Municipal Park	\$15,000
112.26-1-49	Morton St	311	Res Vac Land	\$6,900
112.26-1-58	Main, Arsenal Green E	963	Municipal Park	\$100,000
112.27-1-11	E Main St	330	Vac Comm	\$17,000
112.32-5-11	Duane St Corner Of	438	Parking Lot	\$93,000
112.33-8-1	E Main St	330	Vac Comm	\$24,000
112.33-8-10	Mill St	330	Vac Comm	\$3,000
112.33-8-24	W Main St	821	Flood Cntrl - Dam	\$50,000
112.33-9-1	Harrison Pl	330	Vac Comm	\$3,400
112.33-9-2	Harrison Pl	330	Vac Comm	\$1,600
112.33-9-7	Duane St(off St)	330	Vac Comm	\$16,600
112.33-9-12	Duane St	312	Vac w/Imprv	\$6,000
112.33-9-15	Duane St	311	Res Vac Land	\$1,800
112.33-9-19	Duane St	312	Vac w/Imprv	\$20,000
112.42-1-2	College Ave	651	Hwy Garage	\$558,300
112.42-6-5	Brown St E	311	Res Vac Land	\$2,500
112.50-2-19	State St	311	Res Vac Land	\$6,800
112.55-1-1.400	Finney Blvd	822	Water Supply	\$359,000
112.57-5-14	Hillsdale Ter	311	Res Vac Land	\$3,100
112.58-3-2	State & Duane St	963	Municipal Park	\$896,000

Village fund balances remaining upon Village dissolution will be transferred to the Town as follows:

- The Village Sewer Fund, which totaled \$415,805 as of 5/31/11, will transfer to the Malone Sewer District fund and be managed by the Town.
- The Village Water Fund, which totaled \$563,948 as of 5/31/11, will transfer to the Malone Water District Fund and be managed by the Town.
- Upon an affirmative vote to dissolve but prior to the effective date of dissolution, the Village of Malone will use any remaining general fund balance to benefit Village taxpayers during the transition period. Any remaining balance will be transferred to the Town upon dissolution of the Village. The Village general fund, totaled \$1.5 million on 5/31/11 (note that \$385,000 was allocated in the budget for the 2011-2012 fiscal year).

VILLAGE LIABILITIES AND DEBTS

7. The Village liabilities and indebtedness are as follows:

- Liabilities – none known at this time. There are no current lawsuits or proceedings against the Village.
- Indebtedness – As of 12/31/11, the Village had \$3.9 million in outstanding water debt. A debt of \$380,000 will be paid off in 2030 and a debt of \$3,515,209 will be paid off in 2027.

AGREEMENTS TO CARRY OUT DISSOLUTION

8. The Village and the Town currently have no agreements in order to carry out the dissolution. This Plan was developed with the expectation that if dissolution of the Village is ultimately approved by voters that the succeeding Town government will provide for and comply, to the extent possible, with the Plan as set forth in this document (or as subsequently amended by the Village Board). At the same time, the members of the Committee recognize that future municipal government needs and responsibilities cannot be predicted.

CONTINUATION OF VILLAGE FUNCTIONS OR SERVICES BY THE TOWN

9. *Continuation of services:* Services formerly provided by the Village government will be provided by the Town in the following manner:

- *Elected Representation:* Local government representation will be provided by the Town Board.
- *Clerical and Administrative Services:* Formerly provided by the Village Clerk, Treasurer and office staff will be provided by staff assigned to the Town Clerk and Town Supervisor.
- *Code Enforcement Services:* Formerly provided by the Village will be provided by the Town.
- *Roads, Water and Sewer Services:* Formerly provided by the Village Department of Public Work employees will be provided by the Town Highway Department. The Town will create a new Sewer districts for the former Village and a new Water district for all water users (including the former Village).
- *Courts:* Court services will continue to be provided by the Town.
- *Fire Services:* Fire protection will continue to be provided by the Malone Callfiremen (through a contract between the Town and the Callfiremen).

- *Recreation Services:* Formerly provided by the Joint Recreation Commission will be provided by the Town.
- *Brush and leaf pick-up:* This service will be continued within the former Village but the costs will be levied by a Town through a special assessment district that will include all former Village properties.
- *Street lighting.* Street lighting within the former Village will be continued by the Town, but the costs for street lighting will be levied by the Town through a special assessment district that will include all former Village properties.

DISPOSITION OF VILLAGE ASSETS WHEN DISSOLUTION IS EFFECTIVE

10. The Village will dispose of those assets remaining on the effective date of the dissolution by turning them over to the Town to become Town assets. The Village knows of no liabilities at this time that would become the responsibility of the Town upon dissolution of the Village. The Village cannot project whether or not there may be uncollected taxes upon the date of dissolution; however, any uncollected taxes will have been turned over to the County per current practice.

VILLAGE LAWS AND ORDINANCES

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

The following Village laws will not become part of Town law because the Village will no longer exist, thus the laws are no longer relevant.

Chapter	Title
7	Assessment
13	Compensation of local officials
34	Officers and employees
61	Village liability
68	Zoning board of appeal
69	Planning board
54A	Traffic violations bureau
43	Recreation commission

In some cases, both the Town and the Village have adopted laws of a similar nature. In these instances, the Town will review these Village laws and incorporate additional provisions into existing Town laws as needed.

Chapter	Title
1	Code adoption
3	Alcoholic beverages
22	Fire prevention and building code
24	Flood damage prevention
31	Junk dealers
53	Taxicabs
10	Bingo
57	Unsafe buildings
5	Auctioneers, hawkers and peddlers
4	Animals
59	Vehicle and traffic

As there is no comparable Town law, the Town will review the following Village laws and consider adopting them Town-wide or within the boundary of the former Village.

Chapter	Title
2	Procedures for adoption of local laws
12	Community development program
12A	Portable storage units
16	Curfew
19	Fences
20	Electrical standards
20A	Exposure of persons
21	Environmental quality review
21A	Filling and grading
23	Fireworks
24A	Garage, yard and barn sales
25	Garbage and rubbish collection
28	House trailers and trailer camps
29	Housing
31A	Littering
32	Meetings
33	Minibikes
33A	Nuisances
35	Poles and wires
37	Pollution
37A	Protest policy
37B	Property maintenance
38	Public hearing
40	Public health
42A	Records
44A	Rental property
44	Recreation park regulations
45	Sewer use
46	Sewer rents

46A	Sex Offenders
47	Sidewalks and streets
48	Signs
51	Swimming pools
52	Tax on Utility Services
54	Theater and shows
55	Trees
63	Water
65	Wood burning stoves
66A	Subdivision of land
66	Zoning
70	Inoperable and junk vehicles
76	Police regulations

EFFECTIVE DISSOLUTION DATE

12. The Village will be dissolved effective at 12:00 a.m. on December 31, 2014.

OFFICIAL PUBLIC HEARING

13. The Village will hold an official public hearing on the Proposed Dissolution Plan on August 21 at 7:00 p.m. at the Village Meeting Hall at 16 Elm Street.

OTHER MATTERS PERTINENT TO DISSOLUTION

14. Specific service impacts of the Plan, other than those identified above, are as follows:

- *Police Services:* Police protection services will be provided town wide through a newly created Town Police Department. Costs will be allocated town wide.
- *Water Service:* The \$3.9 million in Village debt related to water will be paid for by all water users, both inside the former Village and in the existing Town of Malone East and West Water Districts.