



*New York State
Shared Municipal
Services Incentive (SMSI)
Grant Program*

Technical Assistance Manual



**GOVERNMENT LAW CENTER
OF ALBANY LAW SCHOOL**

**SMSI Technical
Assistance Project**



ALBANY LAW SCHOOL

**GOVERNMENT LAW CENTER
ALBANY LAW SCHOOL**
80 New Scotland Avenue
Albany, NY 12208-3494
Phone: 518-445-2329
Fax: 518-445-2303
www.albanylaw.edu/glc

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GOVERNMENT LAW CENTER (GLC)
SMSI Technical Assistance Project

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Shared Municipal Services
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**TECHNICAL
ASSISTANCE
MANUAL**

THE GOVERNMENT LAW CENTER
2007

The SMSI Project

This Manual was produced by The Government Law Center (GLC) of Albany Law School, under contract to the New York Department of State (DOS), as part of a series of technical assistance activities to support local governments seeking to provide services jointly, through intermunicipal agreements, or by merging together functionally or organizationally. Authorized as part of the 2006-07 Shared Municipal Services Incentive (SMSI) grant program, it is designed to help local officials in exploring cooperative approaches to providing services, and to meet the intense level of demand and current interest in these types of arrangements.

The GLC staff that conducted the project included: Paul Moore, Director of the SMSI Project; Luke Bierman, Esq., a Post-Graduate Fellow at the GLC; and Robert Batson, a Government Lawyer in Residence at the GLC. Layout and editing was performed by Michele Monforte, Publications Editor, and Kelly Ashe, Administrative Assistant. Additional legal research was done by Paul Sieloff, Esq., and several law students, including Stephanie Baker, Deborah Buchanan, Emily Cartwright, Tyler Feane, Melissa Ashline Heil, and Matthew Miller. Technical assistance was provided by Robert Salkin. Overall direction was the responsibility of Patricia Salkin, Director of the Government Law Center and Associate Dean of the Albany Law School.

The Government Law Center

The Government Law Center was established in 1978 at Albany Law School to focus on the legal aspects of public policy reform and nonpartisan, comprehensive analysis of critical government-related issues. As the preeminent legal and policy research center in New York's capital, it introduces students to methods of policy analysis and to public service.

Highly regarded by state and local government officials for more than a quarter of a century, the GLC's programs and publications educate law and policy makers on the growing number of societal challenges they must address. Students are encouraged to participate in all GLC activities—including law-related employment and internship opportunities—and to initiate and develop new and exciting projects.

The GLC sponsors programs on a wide range of topics, including planning and zoning, aging law and policy, racing and gaming law, municipal law, government ethics, and civilian police review boards. Other offerings are career seminars, a community educational event for seniors, and exclusive opportunities to meet prominent government leaders. The GLC has produced a number of government research papers, available at <http://www.governmentlaw.org>.

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1. INTRODUCTION

The Shared Municipal Services Incentive (SMSI) grant program was created with enactment of the 2005-06 New York State budget. The stated purpose of the program is to cover the costs associated with two or more municipalities merging, consolidating, entering into cooperative agreements, dissolving and sharing services. The program was expanded in the 2006-07 New York State budget, and money was allocated to the Department of State (DOS) for technical assistance. The DOS contracted with the Government Law Center (GLC) of Albany Law School to “provide regional technical assistance through academic institutions relating to consolidations, mergers, dissolutions, cooperative agreements and shared services.”

To guide the project, the GLC created two advisory groups. Overall project guidance was provided by a Technical Advisory Group (TAG) whose membership initially included major local government associations, academic institutions, and selected State agency representatives. Over the course of the project, membership more than doubled as additional institutions, agencies, and interested parties were added. A separate “Focus Group” was also formed consisting of the lead community in each of the 22 SMSI applications that received funding in the 2005-06 award cycle. The Focus Group reviewed work products and approaches to help insure their usefulness and relevance.

A major component of the GLC’s contract called for the preparation of a “User-Friendly” manual to help those interested in exploring new ways for governments to share, combine or otherwise change the way services are provided.

The content that follows, and the way it is organized, is based upon case studies and research conducted as part of the GLC’s on-going SMSI technical assistance project, a review of SMSI grant applications, interviews with DOS staff, collaborations with, and feedback from, a Technical Advisory Group and Focus Group convened by the GLC, and other activities carried out by the GLC in developing technical assistance products.

Of particular importance are initiatives associated with establishment of a new, information network linking together for the first time academic institutions, planning organizations, government agencies and local government associations to provide and maintain a dynamic, web-based technical assistance capacity. The portal to accessing that network can be found at: www.dos.state.ny.us.

How to Use This Manual

This manual is designed to be used in conjunction with a series of case studies documenting experiences of municipalities in New York. The studies were conducted by leading academic institutions in the State using a common template that was extensively reviewed by the project’s Technical Advisory Group (TAG) and Focus Group. **[See: Appendix A - SMSI Technical Assistance Project Case Study Template]** Additional content was developed from research done by the GLC staff for this project, from over 500 applications for SMSI assistance received during the program’s first two years, and from

collaborations with members of the TAG. This manual was also designed as an electronic resource, and where possible, hot links are provided to referenced case studies, legal citations, forms, and other materials.

The content is focused on helping municipalities develop legal, cost-effective shared service arrangements and intermunicipal agreements. There are four main parts to the Manual:

1. A section on developing effective shared service arrangements and intermunicipal agreements. This section describes the main research activities that were conducted as part of the project, including the case studies, functionally-specific service delivery responsibilities, existing technical assistance capacity at the State's major academic institutions, and characteristics of past SMSI application and award activity.
2. A section on the lessons learned from the case studies and other research activities grouped into four broad categories: (1) legal considerations; (2) fiscal considerations; (3) process considerations; and (4) collective bargaining/personnel considerations.
3. A compendium of other useful resources, including an annotated bibliography compiled by the New York State Library; a listing of helpful web sites; and an introduction to the Shared Municipal Services (SMS) Information Network.
4. A series of appendices that compliment, support and expand on information found elsewhere in the Manual.

The GLC collaborated extensively with the New York State Legislative Commission on State-Local Relations. Focus was given to the updating of research on local governments, in terms of the legal authority and responsibility for providing services. The original research was done by the GLC under contract to the Commission and contained in the Commission's April, 1983 interim report entitled: *New York's Local Government Structure – The Division of Responsibilities*. That work was subsequently updated and published in the Commission's May, 1987 interim report entitled: *New York's State-Local Service Delivery System – Legal Framework and Services Provided*.

The new report, *The Legal Framework for Providing Local Government Services*, will be available at the New York State Assembly's website at: www.assembly.state.ny.us. [From the Assembly's homepage, click on "Committees, Commissions & Task Forces," and then click on "Commission on State-Local Relations."]

Tool Kit

Embedded within this manual are eight items which can be viewed as a "tool kit" for successfully completing a shared service project. The items are:

1. A “check list” of ten basic steps that local officials should complete or consider in assessing the viability of the project, which is called **“The Blueprint”**;
2. A listing of available case studies produced by academic institutions in conformance to a common template, sorted by functional area and shared service considerations, provided in **Table 1**;
3. A list of key academic institutions and a sample of the assistance they can provide, see **“Existing Technical Assistance Capacity”** in **Section 2**, and **Appendix C - List of SMS Information Network Academic Institutions**;
4. A legal guide to the division of responsibilities for each class of local government for the provision of services, including statutory requirements, case decisions, and opinions of both the Attorney General and the Comptroller. An example is provided in Section 2 under **“Service Delivery Charts”**;
5. A list of projects that have been funded by the State under the SMSI program, sorted by functional area, contained in **Appendix B**;
6. An annotated bibliography of useful sources compiled by the New York State Library, provided in **Section 4**;
7. Copies of specific forms for the sharing of services, such as sample resolutions and intermunicipal agreements; which are found in **Appendix D**; and
8. A list of links to relevant web sites, found in **Section 4**.

The Blueprint

The GLC has developed a concise, ten-step approach to developing shared service agreements. This approach was tested as part of the case studies conducted by the academic institutions. There was a positive correlation between the uses of the ten-step approach and successful shared service outcomes. Further, in those instances where shared service approaches did not succeed, the researchers identified specific steps that were not completed. While adhering to this ten-step approach does not guarantee a successful implementation, experience indicates that not following it raises the odds of an unsuccessful outcome.

THE BLUEPRINT

- 1. Define problem and affected parties.** Focus on the problem to be solved, working with experts, constituents and others with knowledge who can help devise options. Check local newspaper stories, editorials, letters to the editor, and other local news organizations. Check also the Department of State's web site for case studies of a similar nature at www.dos.state.ny.us. Review the literature for similar projects—Annotated bibliographies are available on the Department of State's web site.
- 2. Identify solutions and potential partners.** Create options that can help solve the problem. Identify the potential partners who can help solve the problem.
- 3. List and allocate financial impacts.** Determine cost; determine tax and debt limitations; identify methods for financing, including potential federal/state aid; and assess impact on tax rate.
- 4. Confirm legal authority.** Check state statutes, including General Municipal Law articles 5-G and 14-G, as well as Town, Village, County, City and other related laws (e.g. If an education related project consult the Education Law), and seek legislative authority if necessary. Comprehensive charts specific to governmental functions, listing the statutory requirements, case law, and opinions of the State Comptroller and Attorney General are available on the web site of the NYS Assembly at: www.assembly.state.ny [navigate to "Committees, Commissions and Task Forces" then to "Commission on State-Local Relations" then to "News" and then to "Legal Framework"]. Adopt appropriate local authority.
- 5. Plan the project.** Document the need for services, determine costs and financing, prepare impact statements for constituents and on other services, develop plan for implementation and assessment. For highway related projects, review the highway cost template in **Appendix E** of this manual.
- 6. Collaborate with affected parties.** Discuss plans with colleagues, constituents, non-profits, businesses, local organizations such as Chamber of Commerce, other governmental agencies, public sector workforce, and/or unions. Agree on roles of affected parties and how to assess impact, effectiveness and success. Form a "steering committee" to insure regular communication to affected parties and transparency to the public.
- 7. Negotiate the agreement.** Identify necessary terms to be included; identify facilitator to assist negotiations; and finalize terms.
- 8. Prepare agreement.** Whether written or oral, formal or informal, an agreement specifying the terms of agreement should be memorialized in some manner, especially regarding parties, nature of agreement, level of service, limits on service, charges/financing arrangements, organizational control and responsibilities, reporting, personnel matters, duration, termination, amendment, evaluation, and/or continuation. [Note: The law in New York is very broad, and local governments have substantial leeway to exercise creativity in negotiating "win-win" terms in an agreement.]
- 9. Implement the agreement.** Initiate the programmatic elements of the project; communicate as warranted with the town constituents; document all aspects of the project for transparency and assessment.
- 10. Evaluate the project.** Examine the implementation to ensure proper function using objective factors; convene regular meetings to assess and share information; and prepare formal evaluation reports to ensure goals and processes satisfied.

2. DEVELOPING EFFECTIVE SHARED SERVICE ARRANGEMENTS/INTERMUNICIPAL AGREEMENTS

Information contained in this section was derived from four primary sources: (1) The GLC's Technical Assistance Project, which funded 15 case studies, a model template to determine costs of shared highway services, and a summary of actions that can lead to successfully implementing shared service arrangements – as well as common pitfalls to avoid; (2) technical assistance capacities currently existing as reported by several State government agencies and the 12 academic institutions that are members of the GLC's Technical Advisory Group; (3) examination of past years' applications and awards of the Shared Municipal Service Incentive (SMSI) grant program; and (4) a collaboration with the New York State Legislative Commission on State-Local Relations to update, expand, and make accessible electronically work originally published by the Commission in 1983, and updated in 1987, providing the legal foundation for local government service delivery [See the Commission's April, 1983 interim report *New York's Local Government Structure—The Division of Responsibilities*; and the Commission's May, 1987 interim report *New York's State-Local Service Delivery System—Legal Framework and Services Provided*].

Case Studies

Case studies provide real examples of how communities have identified, analyzed, discussed, and presented for review and approval of elected leaders and residents proposals to change the service delivery structure. They have proven to be one of the most useful forms of technical assistance to inform and guide those considering change, and are central to the GLC's Shared Municipal Services Incentive (SMSI) technical assistance project. The case studies highlight the experiences of other local governments that tried to initiate changes in the way they provide services. These changes can involve:

- Formalized, cooperative approaches to sharing services, personnel, equipment and/or physical assets, such as through an intermunicipal agreement;
- Changes to the assignment of responsibility for the types of services provided, such as through one government absorbing the responsibility for providing service previously done by a different government;
- Structural change in governance, such as through merger or consolidation of governments or dissolution of governments; or
- Informal arrangements that have become institutionalized through custom or a continued course of dealing.

The GLC developed a template for use by those conducting case studies as part of the SMSI Technical Assistance Project (see **Appendix A**). A total of 15 case studies were conducted using this template and the full set of studies is accessible on the Department of State's web site at: www.dos.state.ny.us.

Table 1 below provides a guide to the content of each of the funded case studies. The communities involved in the case study are shown in the first column, followed by a brief description of the case and the academic institution that conducted the study. To further aid in determining if this case would be helpful, two other sorts are provided: (1) a “functional area” classification that is consistent with structure of updating of the legal authority and responsibilities local governments have for providing services; and (2) shared service considerations detailed in this manual.

Table 1

**SUMMARY OF TECHNICAL ASSISTANCE CONTENTS OF
CASE STUDIES CONDUCTED BY REGIONAL ACADEMIC INSTITUTIONS**

- By Functional Area and Shared Service Considerations –

County / Communities In Case Study	Content of Case Study (Academic Institution)	Features of Case Studies by:	
		Functional Area*	Shared Service Considerations**
<p><u>Chautauqua County</u></p> <p>Portland (T) Brocton (V)</p>	<p>The Center for Governmental Research (CGR) did a study in 1999 of the opportunities for alternative services delivery approaches in the Town and Village, and included a survey of citizen attitudes. The case study assesses what changes have occurred in the past seven years.</p> <p>(SUNY Fredonia Center for Rural Regional Development and Governance)</p>	<ul style="list-style-type: none"> • Alternatives for Municipal Change • State’s Role • Structure of Local Government • Public Safety: Fire and Other Hazards Prevention and Control • Animal Control • Highways • Planning and Zoning 	<ul style="list-style-type: none"> • Legal Considerations • Collective Bargaining/Personnel Considerations • Public Policy Considerations • Fiscal Considerations • Additional Information Sources • Helpful Websites • Forms, Shared Services, Intermunicipal Agreements
<p><u>Orleans County</u></p> <p>Ridgeway (T) Shelby (T)</p>	<p>The case study reports on impacts and potential efficiencies created by the operation of the shared town courts within Orleans County.</p> <p>(SUNY Fredonia Center for Rural Regional Development and Governance)</p>	<ul style="list-style-type: none"> • Public Safety: Courts • State’s Role • Structure of Local Government • Required or Authorized Offices or Officers 	<ul style="list-style-type: none"> • Legal Considerations • Collective Bargaining/Personnel Considerations • Public Policy Considerations • Fiscal Considerations • Additional Information Sources • Forms, Shared Services, Intermunicipal Agreements

<p><u>Erie County</u></p> <p>Eden (T) Brant (T) N. Collins (T) Collins (T) Angola (V) N. Collins (V)</p>	<p>This analysis of the Southwest Erie County Regional Water Project, established in 2003-2004, outlines a rural area's collaborative approach to addressing challenges in water quality and water supply. The study will also highlight problems associated with developing shared services incentives for municipalities.</p> <p>(The Regional Institute, University at Buffalo)</p>	<ul style="list-style-type: none"> • State's Role • Structure of Local Government • Selected Borrowing Provisions and Requirements • Local Revenue Raising Option • Financial Management Powers • Public Safety: Fire and Other Hazards Prevention and Control • Water Supply • Other Utilities • Planning and Zoning • Natural Resources 	<ul style="list-style-type: none"> • Legal Considerations • Public Policy Considerations • Fiscal Considerations • Additional Information Sources • Helpful Websites • Forms, Shared Services, Intermunicipal Agreements
<p><u>Erie County</u></p> <p>Lancaster (T) Lancaster (V) Depew (V)</p>	<p>These communities explored a myriad of shared service arrangements in the mid-1990s. This case study will revisit that effort to document the events leading to the consideration of shared services, and update the situation to reflect changes that have occurred.</p> <p>(The Regional Institute, University at Buffalo)</p>	<ul style="list-style-type: none"> • Alternatives for Municipal Change • Structure of Local Government • Required or Authorized Offices or Officers • Local Revenue Raising Option • Financial Management Powers • Public Safety: Law Enforcement 	<ul style="list-style-type: none"> • Legal Considerations • Collective Bargaining/Personnel Considerations • Public Policy Considerations • Fiscal Considerations • Additional Information Sources • Helpful Websites • Forms, Shared Services, Intermunicipal Agreements
<p><u>St. Lawrence County</u></p> <p>Morristown (T) Morristown (V) Morristown (CSD)</p>	<p>Using a 2005-06 SMSI grant of \$54,000, these three local governments will assess cooperative arrangements for maintenance of vehicles, roads and public works; including the merger of the Town and Village highway departments, and combining the village and the town.</p> <p>(Potsdam Institute for Applied Research, SUNY Potsdam)</p>	<ul style="list-style-type: none"> • Alternatives for Municipal Change • Structure of Local Government • Waste Water • Sanitation • Water Supply • Other Utilities • Highways • Recreation • Culture • Education • Planning and Zoning 	<ul style="list-style-type: none"> • Legal Considerations • Collective Bargaining/Personnel Considerations • Public Policy Considerations • Fiscal Considerations

<p>(continued)</p> <p><u>St. Lawrence County</u></p>		<ul style="list-style-type: none"> • Community Development • Economic Opportunity and Development • Natural Resources 	
<p><u>Jefferson County</u></p> <p>Philadelphia (T) Indian River (CSD)</p>	<p>The school district is the lead agency in the 1999 construction and continuing successful utilization of a shared transportation facility. Under a formal agreement with the town the school receives in-kind services as compensation. Other governments and agencies are now using the facility capitalizing on the economy of scale.</p> <p>(Potsdam Institute for Applied Research, SUNY Potsdam)</p>	<ul style="list-style-type: none"> • Alternatives for Municipal Change • Highways • Education 	<ul style="list-style-type: none"> • Legal Considerations • Fiscal Considerations • Additional Information Sources • Forms, Shared Services, Intermunicipal Agreements
<p><u>Essex County</u></p> <p>North Elba (T) Lake Placid (V)</p>	<p>Using a 2005-06 SMSI grant of \$54,724, these two local governments will determine how their two highway departments and the village water department could be consolidated as a joint Department of Public Works.</p> <p>(Economic Development Technical Assistance Center, SUNY Plattsburgh)</p>	<ul style="list-style-type: none"> • Highways • Structure of Local Government • Required or Authorized Offices or Officers 	<ul style="list-style-type: none"> • Legal Considerations • Collective Bargaining/ Personnel Considerations • Public Policy Considerations • Forms, Shared Services, Intermunicipal Agreements
<p><u>Essex County</u></p> <p>Moriah (T)</p>	<p>Consolidation efforts of three fire districts within the town will be documented.</p> <p>(Economic Development Technical Assistance Center, SUNY Plattsburgh)</p>	<ul style="list-style-type: none"> • Public Safety: Fire and Other Hazards Prevention and Control • Structure of Local Government • Local Revenue Raising Option 	<ul style="list-style-type: none"> • Political Considerations • Fiscal Considerations
<p><u>Saratoga County</u></p> <p>Waterford (V)</p>	<p>A 2005 referendum allowing the Village of Waterford to eliminate its police department and contract with the County Sheriff for additional services was defeated by the voters. There was considerable public</p>	<ul style="list-style-type: none"> • Public Safety: Law Enforcement • Financial Management 	<ul style="list-style-type: none"> • Legal Considerations • Collective Bargaining/ Personnel Considerations • Public Policy

<p>(continued) <u>Saratoga</u> <u>County</u></p> <p>Waterford (V)</p>	<p>discussion and debate, and the case study will trace the proposal from start to finish.</p> <p>(Intergovernmental Solutions Program, Rockefeller College of Public Affairs and Policy)</p>		<p>Considerations</p> <ul style="list-style-type: none"> • Fiscal Considerations
<p><u>Dutchess</u> <u>County</u></p> <p>Rhinebeck (T) Rhinebeck (V) Rhinebeck (CSD)</p>	<p>In 1991 the Town and Village of Rhinebeck formed an “Ad Hoc Town and Village Cooperation Committee” whose charge was “to examine the operations of the Town and Village Governments in an effort to determine where efforts may be taken to coordinate the operations of the municipalities in order to realize savings and more effective use of resources.” This case study will examine the results of the 1991 effort, including renewed interest in 2006 that includes the Rhinebeck Central School District.</p> <p>(Intergovernmental Solutions Program, Rockefeller College of Public Affairs and Policy)</p>	<ul style="list-style-type: none"> • Alternatives for Municipal Change • Structure of Local Government • Planning and Zoning 	<ul style="list-style-type: none"> • Legal Considerations • Collective Bargaining/Personnel Considerations • Public Policy Considerations • Fiscal Considerations • Helpful Intermunicipal Agreements
<p><u>Sullivan County</u></p> <p>Liberty (T) Liberty (V)</p>	<p>Using a 2005-06 SMSI grant of \$100,000 these two local governments will explore ways to reduce costs through shared services, consolidation, merger, and the potential dissolution of the village.</p> <p>(SUNY at New Paltz, College of Liberal Arts & Sciences)</p>		
<p><u>Chemung</u> <u>County</u></p>	<p>The county is considering a new administrative structure to promote county wide highway service cooperation. The case study will follow the progress of the effort.</p> <p>(College of Community and Public Affairs, Binghamton University)</p>	<ul style="list-style-type: none"> • Structure of Local Government • Highways • Required or Authorized Offices or Officers • Alternatives for Municipal Change 	<ul style="list-style-type: none"> • Public Policy Considerations • Fiscal Considerations • Shared Services, Intermunicipal Agreements

<p><u>Steuben County</u></p> <p>Arkport (CSD) Arkport (V) Hornellsville (T) NYS Police Steuben (C) Sheriff</p>	<p>Using a 2005-06 SMSI grant of \$100,000 these three local governments, proposed the construction of a joint bus garage, maintenance and fueling facility. The case study will follow the progress of the effort to date.</p> <p>(College of Community and Public Affairs, Binghamton University)</p>	<ul style="list-style-type: none"> • Highways • Education • Alternatives for Municipal Change 	<ul style="list-style-type: none"> • Public Policy Considerations • Fiscal Considerations, Shared Services, Intermunicipal Agreements
<p><u>Broome County</u></p>	<p>In 2006, the County Executive proposed the creation of a metro police agency to consolidate police services provided by five local governments. The case study will follow the progress of the police consolidation effort and contrast it with the successful consolidation of the Binghamton and Broome County Special Investigation Unit.</p> <p>(The Maxwell School, Syracuse University)</p>	<ul style="list-style-type: none"> • Public Safety: Law Enforcement • Required or Authorized Offices or Officers • Structure of Local Government • Alternatives for Municipal Change • State's Role • Financial Management Powers 	<ul style="list-style-type: none"> • Public Policy Considerations • Fiscal Considerations • Legal Considerations • Collective Bargaining/Personnel Considerations • Shared Services, Intermunicipal Agreements
<p><u>Westchester County</u></p> <p>Mount Vernon (C) New Rochelle (C) Rye (C) Mamaroneck (T) Harrison (T/V) Scarsdale (T/V) Larchmont (V) Mamaroneck (V) Pelham (V) Pelham Manor (V) Port Chester (V) Rye Brook (V)</p>	<p>Long Island Sound Watershed Intermunicipal Council (LISWIC) was established to explore a regional approach to storm water management, including the formation of a regional storm water management district comprising multiple municipalities. The case study will follow the progress of the effort.</p> <p>(Pace University; Edwin G. Michaelian Municipal Law Resource Center)</p>	<ul style="list-style-type: none"> • Alternatives for Municipal Change • State's Role • Structure of Local Government • Required or Authorized Offices or Officers • Selected Borrowing Provisions and Requirements • Local Revenue Raising Option • Financial Management Powers • Other Utilities 	<ul style="list-style-type: none"> • Legal Considerations • Collective Bargaining/Personnel Considerations • Public Policy Considerations • Fiscal Considerations • Forms, Shared Services, Intermunicipal Agreements

* The listing of "Functional Areas" parallels the listing of charts that are being updated and will be available on the New York State Assembly web site.

** The listing of "Shared Service Considerations" parallels the content of the [Shared Services User Manual](#) being prepared by the Government Law Center.

The Legal Framework for Providing Local Government Services

The legal framework within which local governments provide services consists of a complex set of statutes, case decisions, and opinions of both the State Comptroller and the State Attorney General. In May of 1987, the New York State Legislative Commission on State-Local Relations produced a report entitled: *New York's Service Delivery System: Legal Framework and Services Provided*, which contained a series of charts providing detailed legal guidance in over two dozen program areas for counties, cities, towns and villages on the services they are authorized or required to provide. The legal content included statutory citations and applicable cases, and related opinions of the State Comptroller and Attorney General.

That publication is long out of print and the Commission, in collaboration with the Government Law Center, updated and expanded that information in a new report, *The Legal Framework for Providing Local Government Services*. Recognizing the important role played by school districts, fire districts and other special districts in the provision of services, the updated report now includes the activities of these districts. The report will include the same topics of local government structure and services as in the previous reports, from Annexation to Zoning, from the creation, consolidation and dissolution of local governments to the provision of water and wastewater services, to cooperative agreements among local governments. As the research on each topic is completed, the Commission intends to make the report available electronically on the New York State Assembly's web site at: <http://www.assembly.state.ny.us> . The report will be updated regularly in an effort to reflect the most current information available.

Chart 1

OPTIONS AVAILABLE FOR PROVIDING MUNICIPAL SERVICES

Creation of Local Government
Constitutional & Statutory Framework
Counties, Cities, Towns, Villages and Special Districts – Prohibits the creation of any municipal corporation (other than a county, city, town, village, school district, fire district or a river improvement district) with the power to contract indebtedness and to levy taxes or benefits assessments. Improvement districts in counties and towns may be created provided the county or town pledges its faith and credit for the payment of all indebtedness. [Constitution, Article VIII, § 3]
Counties – New county may be created by Legislature (only) if the population in the area entitles it to a member in the assembly. [Constitution, Article III, § 5 and Article IX, § 2(a)]
Cities – Created by act of Legislature; no constitutional or statutory criteria. [Constitution, Article IX, § 2(a)]
Towns – Created by Legislature or by division of one or more existing towns by the county legislative body. [County Law, § 229; Town Law, Article 5-B; Constitution, Article IX, § 2(a)]
Villages – Only residents can create a village. Legislature prohibited from passing special law incorporating village. [Constitution, Article III, § 17] Criteria for creation enumerated. [Village Law, Article 2, Reincorporation and Article 16]
Special Districts
<i>County Districts</i> – Created by a county legislative body upon petition or upon motion of a county legislative body. [County Law, Articles 5-A, 5-B, 5-D]
<i>Town Improvement Districts</i> – Created by the town board upon petition of property owners [Town Law, Article 12] or resolution of the town board [Town Law, Article 12-A]. Certain older districts were established pursuant to Article 13, Town Law and are governed by an elected board of commissioners as well as the town board.
<i>Fire, Fire Alarm and Fire Protection Districts</i> – Created by the town board upon petition of property owners or upon motion of the town board in the case of fire and fire protection districts, and only upon petition of property owners in the case of a fire alarm district. [Town Law, Article 11]
<i>Business Improvement Districts</i> – Created by a local law subject to permissive referendum by a city, town or village. [General Municipal Law, Article 19-A]. The establishment of a business improvement district is based on a district plan prepared in accordance with General Municipal Law, §980-d.
<i>Special District Public Libraries</i> – Created by Special Act of the State Legislature.
<i>School Districts</i> - Creation of a school district is a legislative function; school districts are creatures of statute and can only be created in accordance with the provisions of Education Law. [Constitution, Article XI, §1].
Dissolution
Constitutional & Statutory Framework
Counties – May not be dissolved (with possible exception of Hamilton County). [Constitution, Article III, § 5]
Cities – No procedure designated in Constitution or statutes; however, Legislature may have the power.
Towns – Any town having no bonded indebtedness may be dissolved and the territory annexed to one or more adjoining towns in the same county. Requires a majority vote in the town to be dissolved and the annexing town(s). [Town Law, Article 5-A, § 79(a)(1)] A county can dissolve towns. [County Law, § 229]

Villages – Only residents can dissolve a village. Requires public hearing and approval of majority of qualified voters in the village. [Village Law, Article 19]

Special Districts

County Districts – There are no provisions in County Law for the dissolution of county districts.

Town Improvement Districts – Districts created under Town Law, Article 12 and Article 12-A may be dissolved under limited conditions. [Town Law, §§ 79-a, 171, 202-c, 209-r] The offices of district commissioners in districts established under Town Law, Article 13 may be abolished by resolution of the town board or upon petition of property owners. [Town Law, § 206]

Fire, Fire Alarm and Fire Protection Districts – A fire district and fire alarm district may be dissolved upon petition of property owners. A fire protection district may be dissolved upon petition of property owners or by resolution of the town board subject to permissive referendum. [Town Law, § 185]

Business Improvement Districts (BID) – A BID with no outstanding indebtedness may be dissolved upon motion of the local legislative body or upon petition of property owners. [General Municipal Law, § 980-n]

Special District Public Libraries – May be abolished by a majority vote at an election or at a meeting of the electors. [Education Law, § 268]

School Districts - A district superintendent by order may dissolve a school district and may from such territory form a new district or unite such territory or portion thereof to any adjoining school district. The superintendent needs to file "such order with the clerks of the school districts affected and also with the town clerks of the towns in which the districts are located, and a copy with the commissioner of education." [Education Law §1505; §1516]

Consolidation

Statutory Framework

Towns – After a joint public hearing is held by town boards of any affected adjoining towns (within the same county), a proposition for consolidation may be submitted to the voters. A majority of the voters in each town proposed to be consolidated is required for approval. [Town Law, Article 5-B]

Villages – Residents of two or more adjoining villages may form a new village through the adoption of a consolidation proposition. [Village Law, Article 18, §§ 18-1806 through 18-1818 describes appropriate procedures, which include requirement of a majority vote in each village]

Special Districts

County Districts – Districts created under Article 5-A, County Law may be consolidated by resolution of the town board or upon petition of property owners. [County Law, §§ 274-a, 274-b] There are no provisions for consolidation of districts created under County Law, Article 5-B or Article 5-D.

Town Improvement Districts – Districts created under Town Law, Article 12, Article 12-A and Article 13 may be consolidated by resolution of the town board or upon petition of property owners. [Town Law, §§ 206, 206-a]

Fire, Fire Alarm and Fire Protection Districts – The town board may consolidate two or more adjoining fire districts upon petition of property owners or upon petition of a majority of the members of the board of commissioners of each fire district. [Town Law, §§ 172, 174] There are no provisions in the Town Law for the consolidation of fire alarm or fire protection districts.

Business Improvement Districts – There are no provisions in statute for the consolidation of BIDs.

Special District Public Libraries – There are no provisions in statute for the consolidation of special district public libraries.

School Districts - School districts can consolidate based on a meeting to adopt a resolution to consolidate such districts, "if two-thirds of the qualified electors of each district having less than fifteen of such electors are present, or in case of districts having fifteen or more qualified electors if ten or more are present." If the majority of the electors vote in favor of such resolution, it shall be declared adopted. [Education Law §1512-1515; §1902]

Transfer of Functions

Constitutional & Statutory Framework

Counties – Alternative forms of county government may transfer functions from one unit of local government to another or, when authorized by the Legislature, to the State. Transfers require referenda approval. [Constitution, Article IX, § 1(h)(1)]

The board of supervisors may, by local law, transfer functions of the county or of the cities, towns, villages, districts or other units of government in the county to each other [MHRL Article 4, Part 1]

Cities – Transfer of functions from cities under alternative county government requires majority approval in the cities and in the county outside the cities. [Constitution, Article IX, § 1(h)(1) and (2)]

Towns – Transfer of functions from towns requires majority approval in the towns and in the towns outside of villages. [Constitution, Article IX, § 1(h)(1) and (2)]

Villages – Transfer from village under alternative county government requires majority vote in: 1) all affected villages; 2) all cities; and 3) the area of the county outside the cities. [Constitution, Article IX, § 1(d) and (h)1]

Special Districts – See counties.

Annexation of Territory

Constitutional & Statutory Framework

Counties – Authorized. Requires the filing of a petition by at least 20 percent of the qualified voters or by the owners of a majority of the assessed value of real estate within the territory to be annexed. The annexing municipality must have a public hearing to determine whether annexation is in the overall public interest. The boards of each affected local government must approve annexation by a majority. If one board fails to approve, there is a procedure for judicial review. Once approved by the boards, the proposition must be submitted for election by the voters in the territory to be annexed. [General Municipal Law, §§ 702, 703(1); Constitution, Article IX, § 1(d)]

Legislature may divide county or alter its boundaries. [County Law, § 50]

Cities – See counties.

Towns – See counties. [see also General Municipal Law, § 716(8) and (9)]

Villages – See counties. Authorized to consolidate two or more adjoining villages. [Village Law, § 18-1806]

Cooperative Agreements

Constitutional & Statutory Framework

Counties, Cities, Towns, Villages and School Districts – "...two or more such units may join together pursuant to law in providing any municipal facility, service, activity, or undertaking which each of the units has the power to provide separately." May contract joint or several indebtedness. [Constitution, Article VIII, § 1; State Finance Law, § 54(10)(H)]

A County outside New York City, City, Town, Village, Board of Cooperative Educational Services, Fire District, School District, Town Improvement District or County District may enter into agreements to perform among themselves or for one of the other of their respective functions on a cooperative or contract basis, or for the provision of a joint service or a joint water, sewage or drainage project. [General Municipal Law, Article 5-G]

Counties, Cities, Towns, Villages, School District, Improvement Districts and District Corporations are authorized to make interlocal agreements with governmental units of other states. [General Municipal Law, Article 14-G]

Any County outside New York City, City, Town, Village, School District, Board of Cooperative Educational Services or Fire District is authorized to form Intergovernmental Relations Councils "...to strengthen local governments and to promote efficient and economical provision of local governmental services within or by such participating municipalities." [General Municipal Law, Article 12-C, § 239-n]

Towns – See also town-village cooperation. [Town Law, § 56]

Special Districts

Joint Fire Districts – A Town Board and the Village Board of Trustees may establish a Joint Fire District. [Village Law §22-2210; Town Law §189-a]

Contracting for Public Services

See generally, Municipal Home Rule Law, § 10(1)(ii)(a)(3); General Municipal Law, Article 5-A

Statutory Framework

Counties – May contract with nonprofit organizations and other corporations, associations, and agencies for certain objects and purposes. [County Law, § 224]

Counties may not enter into a contract unless an amount has been appropriated and is available or has been authorized to be borrowed pursuant to the Local Finance Law. [County Law, §362(3)]

Cities – Every city may contract and be contracted with, and institute, maintain and defend any action or proceeding in any court. [General City Law, § 20(1)]

Every city is granted power to manage and control its property over local affairs, and is granted all the rights, privileges and jurisdiction necessary and proper for carrying such power into execution. [General City Law, § 19]

Towns – Town boards may award contracts for any of the purposes authorized by law; contracts shall be executed by supervisor with approval of town board. [Town Law, § 64(6)]

Towns may only enter into a contract if provision has been made for the amount in the annual budget or a supplemental appropriation has been made; except contracts for a term exceeding one year. [Town Law, §§ 112, 117]

Villages – Generally, the village may take all measures and do all acts, by local law, not inconsistent with the Constitution, which shall be deemed expedient or desirable for the good government of the village. [Village Law, § 4-412(1)]

Special Districts

County Districts – The administrative head or body may contract for certain purposes related to a particular kind of district. [County Law, §§ 263, 265, 273, 279-b, 279-c, 299-p]

Town Improvement Districts – A town board may contract for certain purposes related to a particular kind of district. [Town Law, § 198]

Fire, Fire Alarm and Fire Protection Districts – The board of fire commissioners has general authority to contract for fire district purposes [§ 176, Town Law] The town board may contract for a fire alarm system and must contract for fire protection in a fire alarm district. [§ 183, Town Law] The town board may contract with a city, village, fire district or incorporated fire company for fire protection in a fire protection district. [Town Law, § 184]

Business Improvement Districts – The local legislative body has authority to provide for the construction, operation and maintenance of district improvements. [General Municipal Law, § 980-c]

Special District Public Libraries – Any body authorized to levy and collect taxes may contract with the trustees of a public library to furnish library services. [Education Law, § 256]

Selected Court Cases

City of Utica v. Town of Frankfort, 2006, 34 A.D.3d 1323, 824 N.Y.S.2d 852. City's annexation of property from town and county was warranted, where annexation was in the public interest. The annexation would give property owner full-time police and fire protection, and would improve the owner's ability to update healthcare services.

Town of Niagara v. City of Niagara Falls, 2005, 19 A.D.3d 1076, 797 N.Y.S.2d 207. Annexation of city territory by adjacent town did not benefit public interest. The city already provided better police and fire than would be provided by the town, water and sewer connections would have to be duplicated if there was an annexation, and city would lose almost \$500,000 in tax revenue.

American Ref-Fuel Co. of Niagara, L.P. v. Northeast Southtowns Solid Waste Management Bd., 2002, 291 A.D.2d 861, 737 N.Y.S.2d 494. Intermunicipal solid waste management board lacked authority to act on behalf of all of its members in awarding solid waste disposal contract; although board purported to act on behalf of its 36 participating municipalities pursuant to an agreement authorizing the board to coordinate the solicitation of bids, that agreement was signed by only 13 members and approved by the majority vote of only six of the governing bodies of those 13 members.

Incorporated Village of Ilion v. Town Bd. Of Frankfort, 1999, 261 A.D.2d 952, 690 N.Y.S.2d 350. Village's proposed annexation of residential area of town was in overall public interest; even though annexation would result in increased property taxes for residents of annexed area, annexation would eliminate fees paid for water, fire protection and garbage collection, and would result in expanded fire protection, improved water service, and better police protection and loss to town of less than \$1,000 in tax revenue.

Brittain v. Village of Liverpool, 1997, 172 Misc.2d 201, 657 N.Y.S.2d 298, appeal dismissed 248 A.D.2d 1031, 679 N.Y.S.2d 784. Municipal Home Rule Law requiring that local law be subject to mandatory referendums if it abolishes, transfers or curtails power of elected officer was not applicable where village police force was subsumed into neighboring city's police force through contractual merger as only specific action taken by village board was to pass a motion authorizing mayor to enter into contract with neighboring city for police services and did not constitute a "local law."

South Orangetown Kitchen Workers Association v. South Orangetown Central School District, 1979, 422 N.Y.S.2d 597. Municipal subdivisions of State are free to contract in good faith with private parties for provision of services which might otherwise be performed by public employees and public employer may not surrender those powers in collective bargaining agreement, unless they constitute terms and conditions of employment.

Westchester Co. CSEA v. Cimino, 1977, 58 A.D.2d 869 affirmed 44 N.Y.S.2d 985. Municipal subdivisions are free to contract with private industry for rendition of work and services; Constitution and Civil Service Law do not bar an attempt to have municipal services provided by an independent contractor in a more cost-efficient manner than is possible by the governmental unit hiring the workers.

Marcus v. Baron, 84 A.D.2d 118, 135, 445 N.Y.S. A town local law was held to be invalid on the ground that there was "nothing either in the Constitution or in [the Municipal Home Rule Law] which expressly [gave] the power to a town to adopt a local law which adds to the conditions enacted by the Legislature for the creation of a village."

Town of Lansing v. Village of Lansing, 80 A.D.2d 942, 438 N.Y.S.2d 29. It is well settled that the burden of proof that annexation is in the overall public interest [General Municipal Law, § 705], is on the municipality seeking the annexation.

Village of Skaneateles v. Town of Skaneateles, N.Y.S.2d 185, 115 A.D.2d 282. Annexation by village of property in town would not be in overall public interest where sole reason for annexation was to avoid restrictive effect of town zoning ordinance on landowner.

Connel v. Town Bd. of Town of Wilmington, 482 N.Y.S.2d 964, 126 Misc.2d 474. Annexation of over 5,000 acres in one town by another town invoked compliance with the requirements of the State Environmental Quality Review Act. [Environmental Conservation Law, § 8-0101 et seq.]

Opinions of the Comptroller and Attorney General

Attorney General Informal Opinion No. 2006-11. General Municipal Law article 5-G, not Municipal Home Rule Law §10, authorizes the consolidation of the police services of two towns in contiguous counties.

Comptroller Opinion No. 2005-3. There is nothing in the Education Law or any other statute that would authorize a school district to construct, or enter into a lease for the construction of, a parking garage to be used primarily by the public at large for purposes unrelated to school district activities.

Attorney General Informal Opinion No. 2004-6, May 18, 2004. Because the statutory scheme governing joint fire districts gives the town and village boards substantial power to affect the existence and structure of a joint fire district, the positions of village mayor and fire commissioner of a joint fire district established by that village are incompatible. Therefore, the village mayor may not be a commissioner of a joint fire district established by the village.

Comptroller Opinion No. 2003-2. Town Law §189-a(2)(a) provides that "whenever it shall appear to participating municipalities that a joint fire district is in the public interest, the town and village boards of trustees shall hold a joint meeting at one location within the proposed joint fire district to vote and establish a joint public hearing."

Comptroller Opinion 2002-12. Pursuant to a municipal cooperation agreement, two villages may combine their water, sewer and street departments under the supervision of a single superintendent of public works. All officers and employees performing services for the combined department, including the superintendent, may be designated as officers and employees of one of the villages.

Comptroller Opinion 2001-14. General Municipal Law, §§ 800(2), (3), 801, 803. An intermunicipal agreement does not constitute a "contract" within the meaning of General Municipal Law, § 800; therefore, a member of a town board, who is also employed by a village located partially within the town, does not have a prohibited interest in an agreement between the town and the village for the provision of services by the village that are related to his or her village employment. Although the disclosure requirements of General Municipal Law, § 803, are not applicable, the town board member, to avoid even the appearance of divided loyalties, should disclose his or her relationship as a village employee and refrain from participation in town board discussions and decisions regarding town agreements with the village that pertain to matters relating to his or her village employment.

Comptroller Opinion 2000-24. General Municipal Law, §§ 119-n(c), 119-o. Two non-contiguous villages may enter into a municipal cooperation agreement pursuant to General Municipal Law, Article 5-G, for the provision of police protection as a joint service.

Comptroller Opinion No. 2000-21. Explains the procedure for providing a joint fire district.

Comptroller Opinion 2000-17. If a town, on behalf of a water district, contracts with a water authority for the construction of a water system by a contractor engaged by the authority, the authority must solicit bids in accordance with Town Law §197 for the construction of the town's particular water system as a discrete project. The authority may not solicit bids for individual categories of estimated construction work to be performed in the aggregate for districts in several towns.

Attorney General Informal Opinion No. 98-46. The town board of each town planning to consolidate must act to present a proposition to consolidate to the electors of the town. The electors have no authority to petition to submit a proposition for consolidation of the electors of the town for approval.

Comptroller Opinion 98-21. Article 5-G does not provide authority for town and fire district to jointly contract with private ambulance company.

Comptroller Opinion 98-1. General Municipal Law, §§ 99-r, 103; Social Services Law, § 365-a. Pursuant to General Municipal Law, § 99-r, a county, by direct negotiation and without competitive bidding, may contract with a public authority for transportation services, which the county provides pursuant to the Social Services Law and regulations, for Medicaid clients.

Comptroller Opinion 97-2. Insurance Law, Article 47; General Municipal Law, §§ 92-a, 119-o. A school district may not reimburse a former school board member who participates in a municipal cooperative health benefit plan for Part B Medicare premiums paid by the former school board member. 1985, Opinion of the State Comptroller 85-3, p. 3, superseded to the extent inconsistent.

Comptroller Opinion 96-18. Village Law, §§ 1-102, 4-412, 9-912. Absent an act of the State Legislature, a village may not conduct an advisory referendum on the question of whether the village should become a city.

Comptroller Opinion 96-19. Joint construction by fire district and town of building to be used as fire station and town hall is authorized.

Comptroller Opinion 96-7. Fire districts may enter into a cooperation agreement to implement an advertising campaign for the purpose of recruiting volunteer firefighters for the fire companies of the fire departments of the districts. The costs of the campaign may be apportioned by property valuations, population or any other equitable method or formula as agreed to by the parties to the agreement.

Comptroller Opinion 94-10. General Municipal Law, §§ 119-o, 239-o. A town human rights commission must be established and operated on a townwide basis. A town and one or more villages may establish a joint townwide-village human rights commission.

Attorney General Opinion No. 93-18. A petition of the village electors to adopt a resolution submitting a proposition for dissolution of the village must include the signatures of at least one-third of the qualified resident electors of the village.

Comptroller Opinion 93-6. In order for a town to enter into a municipal cooperation agreement, it must have the authority to perform separately the function which would be the subject of the agreement.

Attorney General Informal Opinion No. 92-11. Town territory intended to be annexed which is separated from the annexing village by a town highway does not "adjoin" the village within the meaning of General Municipal Law §703 (Municipal Annexation Law) and therefore, is not subject to annexation.

Comptroller Opinion 88-46. Education Law, §§ 1604-a, 1723-a; General Municipal Law, §§ 11, 119-o. Pursuant to a cooperative investment agreement, school districts and municipalities may, on a cooperative basis, temporarily invest unneeded funds in instruments and obligations in which all the participants are authorized to invest. The fiscal officer of a participating school district or municipality may be given custody of the funds and the authority to invest those funds. Authority over the investment of funds may not be delegated to an advisory board. Prior opinions relative to cooperative investment agreements superseded to the extent inconsistent.

Comptroller Opinion 88-64. Public Housing Law, §§ 32(1), 37(1)(aa), 99; General Municipal Law, § 119-o. A municipal housing authority may provide its employees with health and dental benefits, but may not do so jointly with the municipality for which the authority was established.

Comptroller Opinion 85-23. When several municipalities are party to agreement to acquire real property, there must be a joint pledge of full faith and credit for joint indebtedness.

Comptroller Opinion 84-50. A town and a village may jointly engage a building inspector to enforce zoning ordinances of both municipalities and to issue building permits.

Comptroller Opinion 84-63. County sewer or water district may enter into a joint agreement or water project agreement with another municipality or district and thereby assist in providing sewer or water improvements.

Comptroller Opinion 83-205. Village may contract with an outside security force to provide a “patrol service” and may establish a benefit assessment area to cover the cost.

Comptroller Opinion 82-73. Town may not sell its gasoline to private volunteer ambulance corps, but may provide gasoline at cost in context of the contract for ambulance service.

Comptroller Opinion 82-123. Snow removal services may be contractually provided by village to volunteer ambulance corps as part consideration for the ambulance services.

Comptroller Opinion 82-182. A city may not enter into a multi-year contract for ambulance services when such contract will bind future boards.

Comptroller Opinion 82-290. Contract with private corporation to operate public sewer system, without competitive bidding, may be made under the provisions governing professional services contracts.

Comptroller Opinion 81-214. General Municipal Law, §§ 52, 119-o; Village Law, § 4-41(1). A private civic association may not be included as an additional named insured in a general liability policy purchased by a village, even if association bears the additional cost.

Comptroller Opinion 81-215. General Municipal Law, § 119-o; Municipal Home Rule Law, § 10(1)(i); State Constitution, Article VIII, § 1, Article IX, § 1(c). There is no statutory authority for a village and a private firm to jointly contract with a third party for waste removal. A village may not enact a local law authorizing such a joint contract.

Comptroller Opinion 81-262. A municipality may withdraw from a joint activity in which two or more municipalities participate by amendment of the ordinance, local law or resolution which authorized such joint participation, with the approval of all other participants. Upon such approval and amendment, the municipality may then contract for services with the joint enterprise.

Comptroller Opinion 81-390. State Constitution, Article VIII, § 1; General Municipal Law, § 119-o(1). A town may not enter into an agreement with a private college to install lights on an athletic field owned by the college in exchange for use of the field at certain times.

Comptroller Opinion 80-210. County-owned hospital may enter into contract with a private management firm.

Comptroller Opinion 80-672. A municipality may contract with a private corporation for operation and maintenance of a municipal wastewater treatment plant.

Attorney General Informal Opinion 94-5. Municipalities may not enter into agreement whereby the taxing power is delegated to an administrative agency.

Attorney General Informal Opinion 85-73. Municipal Home Rule Law, § 23(2)(f). A local law transferring a power of an elective official is subject to mandatory referendum. This requirement, however, does not apply to the transfer by a local legislative body of a ministerial responsibility.

Attorney General Informal Opinion 81-8. A town may enter into a contract with a private developer to build a sewer line which will allow the town and the developer to hook up to an existing sewer system as long as contract is supported by fair and adequate consideration. Since sewer line is also for public purpose, it avoids the constitutional prohibition of town aiding a private undertaking.

Attorney General Informal Opinion 75-195. Town Law, Article 5. Where it is wished to have a new town created, to be coterminous with boundaries of an existing village, the procedure set forth in this article still survives partial repealer contained in General Municipal Law, § 700 et seq. as the partial repealer applied only to change of boundaries of existing towns, not to creation of new ones.

Chart 2

HIGHWAYS AND BRIDGES

Statutory Framework

See generally, Municipal Home Rule Law, § 10(1)(ii)(a)(6)

Counties, Cities, Towns and Villages – Maintenance of improved county roads is responsibility of the county under the jurisdiction of the county superintendent of highways, the cost of such maintenance may be paid by the county or apportioned between the county and the local municipality in which such road or highway is located. [Highway Law, § 129]

Authorized to petition the Commissioner of Transportation to provide additional width or improvement to State highway at expense of county or joint expense of county and any city, village or town. [Highway Law, §§ 49, 59]

Counties – County superintendent appointment and general duties delineated. [Highway Law, § 100, § 102; County Law, Article 19, § 725]

Superintendent required to prepare map showing proposed county road system. No road may be constructed or maintained with county funds unless it appears on the map (with certain exceptions). [Highway Law, § 115]

Authorized to layout, construct, open, alter, abandon or discontinue a county highway and to acquire necessary land. [Highway Law, §§ 115-a, 115-b, 118-120, 131-b]

County may provide for the construction or improvement of town highways, or highways along the boundary between a city or village and a town at the joint expense of the town and county. [Highway Law, §§ 194, 195]

Authorized to provide aid to towns for the construction or improvement of town highways. [Highway Law, § 195]

Cities – See individual city charters.

Authorized to layout, construct, and discontinue city streets and lighting systems for lighting streets. [General City Law, § 20(7)]

Towns and Villages – Village and town may enter into a municipal cooperation agreement whereby the town will repair and maintain village streets with the town being reimbursed by the village. [Town Law § 56]

Towns – Superintendent required, [Town Law, §§ 20(1) and 32] unless town has a contract in force and effect with another municipality for provision of highway, road and street maintenance and repair for a period of not less than five years (contract subject to permissive referendum in some cases) and has

adopted a law to abolish the office of the town of superintendent. [Town Law, §§ 20(1)(k)(n.3)]

Town Superintendent has care of all town highways and must keep them in good repair and free from obstructions due to snow and ice. [Highway Law, § 140]

Superintendent required to sufficiently describe and record highways in town clerk's office. [Highway Law, § 140(8)]

Town board is authorized to approve petition for improvement of a street or highway. [Town Law, § 200]

Authorized to petition the Department of Transportation to provide additional width or improvement to State highways situated in the town, the cost to be borne wholly by the town. [Highway Law, §§ 48, 59]

Villages – Streets under the exclusive control of the board of trustees. [Village Law, § 6-602]

Authorized to layout, alter, widen, narrow, discontinue or dedicate streets in village. [Village Law, § 6-612]

Authorized to petition the Commissioner of Transportation to provide additional width or improvement to State highways situated in the village, the cost to be borne by the village. [Highway Law, §§ 46, 59]

Board of trustees of any village may cause any highway improvement to be made on its own motion with costs borne by the village and/or lands benefited thereby. [Village Law, § 6-630]

Authorized to petition Commissioner of Transportation for construction or improvement of a highway to connect streets within village, with costs to be borne by county. [Highway Law, §§ 47, 261 [264]]

Authorized under certain circumstances to pay for the improvement of village roads connecting State highways. [Highway Law, § 47]

Village board of light commissioners may contract for lighting village streets. Contract may be for a maximum of 10 years. [Village Law, Article 12]

Special Districts

Transportation Development Districts - Between the years 1984-1997, ten transportation development districts were established by Special Act.

Bridges

Statutory Framework

Counties – Authorized to construct, repair, maintain or abandon county bridges. [Highway Law, § 131-b]

Authorized to take over a bridge 25 feet or longer on a town highway or any town bridge over 25 feet located in an incorporated village. [Highway Law, § 234(10)]

Authorized to fund reconstruction of town bridge destroyed by the elements. [Highway Law, § 131-d]

Authorized to construct and improve bridges in one or more towns at joint expense of the county and town. Maintenance is town expense unless county chooses to share. [Highway Law, §§ 237, 238]

Commissioner required to inspect bridges not on State highway system or under jurisdiction of a public authority to and to close unsafe bridges. [Highway Law, §§ 231(1) to (7)]

County superintendent has responsibility for maintaining all county roads, town highways and bridges within his county. [Highway Law, § 102(1); County Law, § 725]

Inspections by county of city, town and/or village highway or bridge at the written request of town superintendent and city and village mayor. [Highway Law, § 102(2)]

Cities – Authorized to establish, construct, maintain, operate, alter and discontinue bridges. [General City Law, § 20(9)]

Towns – Commissioner authorized to promulgate a uniform code of bridge inspection. [Highway Law, § 232]

Town required to maintain all bridges having a span of less than 25 feet within its borders. [Highway Law, § 234(8)]

Authorized to assume maintenance of bridges in villages previously maintained by village. [Village Law, § 6-608]

Superintendent required to inspect bridges within the town during April – October of each year. [Highway Law, § 140(2)]

Town superintendent has responsibility for the care and maintenance of town highways, board walks and bridges less than two rods in width. [Highway Law, § 140(1)]

Authorized to contract for the lighting of improved State highways, county roads and bridges on such highways in the area of the town outside of villages. [Town Law, § 64(19)]

Villages – Authorized to construct and maintain bridges. [Village Law, § 6-606]

Authorized to maintain certain bridges. May assume or relinquish control of all bridges wholly within its boundaries. [Village Law, §§ 6-604 to 6-608; Highway Law, § 231]

Highway Equipment

Statutory Framework

Counties – County road machinery fund required. Board of supervisors may authorize expenditures for machinery. [Highway Law, § 133]

Authorized to rent county-owned equipment to any municipality or district within the county. [Highway Law, §§ 133-a]

Authorized, with approval of board of supervisors, to sell equipment if no longer needed. [Highway Law, § 133]

Authorized to permit use by any county association, of any street or highway machinery, tools or equipment owned by the county. [County Law, § 224(8)(f)]

Cities – Authorized to rent city-owned equipment to the county within which the city is wholly or partially located, or to any governmental unit in such county. Fee may not be less than the hourly rate fixed by State Commissioner of Transportation. [General City Law, § 20(31)]

Towns – Town superintendent, with approval of town board, is authorized to purchase or hire equipment. [Highway Law, §§ 142(1-a), 143]

Town authorized to permit use of town equipment by other municipalities. [Highway Law, §§ 142-b, 142-d]

Town superintendent, with approval of town board, authorized to sell such equipment if no longer needed. [Highway Law, § 142(5)]

Snow Removal
Statutory Framework
<p>Counties, Cities, Towns and Villages – Authorized to request emergency aid for control of snow and ice from State during emergency. [Highway Law, § 55]</p> <p>Authorized to provide funds for snow removal and snow fences. [Highway Law, § 274-a]</p> <p>Counties – Authorized to remove snow from county roads, to treat roads to remove danger, and to erect snow fences. [Highway Law, §§ 135, 274-a]</p> <p>May contract with other municipalities for snow removal on county roads. [Highway Law, § 135-a]</p> <p>Towns – Authorized to remove snow on village streets. [Highway Law, § 142-c]</p> <p>Town Superintendent has care of all town highways and must keep them in good repair and free from obstructions due to snow and ice. [Highway Law, § 140]</p> <p>Villages – May contract with town for snow removal. [Highway Law, § 142-c]</p>
Special Districts
<p><i>Snow Removal District</i> – Town board may establish snow removal districts. [Town Law, § 190 and Article 12-A]</p>
Selected Court Cases
<p><i>Drake v. County of Herkimer</i>, 2005, 15 A.D.3d 834, 788 N.Y.S.2d 770. Municipality’s duty to maintain roads is measured by courts with consideration given <u>to the</u> proper limits on intrusion into municipality’s planning and decision-making functions.</p> <p><i>Hill v. Town of Reading</i>, 2005, 18 A.D.3d 913, 795 N.Y.S.2d. 126. Since town was not responsible for maintenance of county road, town owed no legal duty to motorists with respect to adjacent drainage ditch; that duty rested solely with county.</p> <p><i>Winney v. County of Saratoga</i>, 2004, 8 A.D.3d 944, 779 N.Y.S.2d 605. Municipality is accorded a qualified immunity from liability arising out of a highway planning decision, but may be held liable when its study of a traffic condition is plainly inadequate or there is no reasonable basis for its traffic plan.</p> <p><i>Evans v. Stranger</i>, 2003, 307 A.D.2d 439, 762 N.Y.S.2d 678. A municipality has a continuing duty to review a roadway design plan in light of its actual implementation, but has no obligation to undertake expensive reconstruction of older roads solely based on updated highway safety standards.</p> <p><i>Hilliard v. Town of Greenburgh</i>, 2003, 301 A.D.2d 572, 754 N.Y.S.2d 29. The duty of a municipality to maintain its roadways in a reasonably safe condition extends to trees that are adjacent to the road and which could reasonably be expected to pose a danger to travelers; however, liability does not attach unless the municipality had actual or constructive notice of the dangerous condition.</p> <p><i>Quigley v. Goldfine</i>, 2000, 276 A.D.2d 681, 714 N.Y.S.2d 733, <i>leave to appeal denied</i> 2001 WL 309016, <i>leave to appeal denied</i> 96 N.Y.S.2d 706, 725 N.Y.S.2d 278, 748 N.E.2d 1074. Village was immune from liability in connection with a traffic accident at an intersection where the village was in the process of conducting a study and devising a traffic control plan for the intersection at the time of the accident, and no</p>

question was raised regarding the adequacy of the plan or the timeliness of its implementation.

Amato v. County of Erie, 1998, 247 A.D.2d 846, 669 N.Y.S.2d 104. Counties are responsible for traffic control at intersections of county and town roads.

Ledet v. Battle, 1996, 231 A.D.2d 884, 647 N.Y.S.2d 601. Town did not have duty to maintain or sign intersection of town road with state highway, even though town requested State to take safety measures with regard to intersection, since under statute State had jurisdiction over intersection.

O'Brien v. City of New York, 1996, 231 A.D.2d 698, 647 N.Y.S.2d 561, leave to appeal dismissed in part, denied in part 89 N.Y.S.2d 1026, 658 N.Y.S.2d 241, 680 N.E.2d 614. City was not liable for motorist's injuries in intersectional collision, despite lack of traffic control device; decision to install device was "discretionary governmental function" and, while city undertook study of intersection, it had not completed study at time of accident.

Village of Port Chester v. City of Rye, 1996, 234 A.D.2d 453, 651 N.Y.S.2d 146. Village lacked standing to challenge neighboring city's traffic ordinance, even though ordinance allegedly deprived heavy truck traffic from one of the possible means of access to village streets.

Opinions of the Comptroller and Attorney General

Comptroller Opinion 2001-13. Town Law, § 130(7)(a); Municipal Home Rule Law, § 10; State Constitution, Article IX, § 2; Vehicle and Traffic Law, §§ 1600, 1604. Absent a State statute providing express authority, a town may not install a tollbooth and charge a fee to certain users of a town highway.

Comptroller Opinion 85-39. County Law, § 362(3); Highway Law, §§ 127(1), 133(4) and (5), 134; Municipal Home Rule Law, § 10(1)(ii)(a)(1). A county may appoint a county purchasing agent for the purpose of purchasing or renting all highway equipment, but the county may not make the purchases requested by the highway superintendent subject to the prior approval of such purchasing agent or a county administrator.

Comptroller Opinion 83-58: Highway Law, §§ 142(1)(a), 266. Normally, the purchase of highway equipment is initiated by a recommendation by the highway superintendent to the town board and, subject to board approval, the purchase is executed by the superintendent; however, in certain situations where an impasse exists between the board and the superintendent, the board may direct the town supervisor to complete an approved purchase.

Comptroller Opinion 83-172. Highway Law, §§ 141(1), 142-c (2) and (4), 277. A town may contract with a village for the repair and maintenance of village streets and the town may perform such services upon terms and conditions as may be agreed upon by the town board and village trustees.

Comptroller Opinion 83-240. Highway Law, § 142(2); Town Law, § 64(3). Town highway equipment is under the management and control of the town highway superintendent and the town board may not impose restrictions on its use so long as it is being used for town highway purposes. This rule applies even where the superintendent is traveling outside the limits of the town if such travel is related to his official duties.

Comptroller Opinion 82-340. Town Law, § 32(1); Highway Law, § 142-b. A town board may enter into an agreement with a school board for the town to plow snow on school district property located within the town and the town board may direct that the town superintendent of highways perform such plowing.

Comptroller Opinion 81-162. Highway Law, § 231(1); L. 1980, Chapter 54. Where the State Commissioner of Transportation causes inspection of bridges to be made, a percentage of the cost of such inspection is charged back to the municipality.

Comptroller Opinion 81-290. Highway Law, § 231(2) and (6). When a county superintendent inspects and condemns a bridge having a span of 25 feet or more located on a town highway, the town has the responsibility to repair or rebuild the bridge within a reasonable time, unless the county has taken over the bridge.

Comptroller Opinion 80-251. Town Law, § 32(1); Municipal Home Rule Law, § 10(l)(ii)(a)(1). A town board may, by local law, establish a department of public works to be headed by the town superintendent of highways, and assign him the responsibility of supervising the town dump, town highways, and town water and sewer districts, provided that there is no impairment of, or interference with, his statutory duties as superintendent.

Attorney General Informal Opinion 2005-3. Local governments with authority to regulate parking may permit parking closer to intersections than otherwise permitted under Vehicle and Traffic Law, § 1202(a)(2)(b) and (c).

Attorney General Informal Opinion 2003-2. Highway Law, §§ 114, 115, 115-a; Village Law, § 6-602. The proper method of transferring control and supervision of a village road to the county within which the village is located is by adding the village road to the county road system map pursuant to Highway Law, § 115. Upon such transfer, the county is responsible for maintaining the road.

Attorney General Informal Opinion 95-1. Highway Law, §§ 115, 115-b, 115-c, 130, 234. A county may provide for the reversion of a bridge, which is part of the county road system, to a town in accordance with the procedures set forth in Highway Law, §§ 115-b and 115-c.

Attorney General Opinion 82-59. Highway Law, §§ 2(4), 140(1), (2) and (5), 147, 189. The width of a town highway by use includes the shoulders of the road and whatever land is necessary for the safety of the traveling public. A town superintendent of highways is authorized to make repairs, erect safety barriers and remove obstructions to drainage within the boundaries of such highways.

Attorney General Opinion 81-78. Highway Law, §§ 327, 328; Town Law, § 64(19) and (22), Articles 12, 12-A. A county may terminate the lighting of public highways without advance notice to towns. Towns may provide lighting on public highways as a general town charge. There is no duty for a town or county to provide lighting on public highways.

Attorney General Informal Opinion 81-34. Highway Law, § 231. Where a bridge is located on a private road that has become a "highway by use," the town must accept responsibility for the bridge and provide repairs and maintenance.

Attorney General Informal Opinion 80-263. Highway Law, §§ 140(2), 231, 232; Village Law, § 6-604. A town in which an incorporated village is located is responsible for repair and maintenance of a bridge located on a street in that village, unless the village has assumed responsibility for the bridge.

Existing Technical Assistance Capacity

Twelve (12) four-year academic institutions, as well as several of the major state agencies and the associations representing local governments have an extensive library of local government research and/or technical assistance capabilities. In order to capture that information, and make it generally available, a common template was devised and approved by the Technical Advisory Group. The nature of the information available through that template is shown in the example from the Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany, shown below. The full set of the completed, individual templates can be accessed through the Department of State's web site at: www.dos.state.ny.us.

		Technical Assistance Resources Currently Available to Support SMSI Program (Please Describe):	
		CASE STUDIES	
<u>Region/Institution or Organization Name</u>	<u>Contact Information</u>	<u>Description</u>	<u>SMSI Relevance</u>
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"Government, Business & Civic Leaders Talk About Governing New York's Communities" -- Cosponsored with the Office of the State Comptroller, Local Government Services & Economic Development -- Report available at http://www.albany.edu/igsp/pdf/LGDP_rpt1_final.pdf	Community leader and content expert views on fragmented government and cooperation/consolidation
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"Municipal Leaders Talk About Governing New York's Communities " -- Cosponsored with the Office of the State Comptroller, Local Government Services & Economic Development -- Report available at http://www.albany.edu/igsp/pdf/dialogue2.pdf	Government leader views on fragmented government and cooperation/consolidation
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	West Nile Virus outbreak case study of intergovernmental response to health crisis -- Working paper available at http://www.albany.edu/igsp/pdf/wnv_workingpaper.pdf	Intermunicipal cooperation and response in health crisis
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"Snapshot of Intermunicipal Cooperation & Consolidation Activities in New York State" -- Working paper available at http://www.albany.edu/igsp/pdf/intermunicipal_cooperation.pdf	Intermunicipal cooperation and consolidation activities across the state
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"Barn Raising in the Intergovernmental Zone: Building a Collaborative Information System from the Ground Up" -- Case report available at http://www.albany.edu/igsp/pdf/br2.pdf	County-level cooperation to build automated information system

		Technical Assistance Resources Currently Available to Support SMSI Program (Please Describe):	
		DATA BASES	
<u>Region/Institution or Organization Name</u>	<u>Contact Information</u>	<u>Description</u>	<u>SMSI Relevance</u>
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"Snapshot of Intermunicipal Cooperation & Consolidation Activities in New York State" -- Working paper available at http://www.albany.edu/igsp/pdf/intermunicipal_cooperation.pdf	Narrative analysis and listing of some intermunicipal cooperation and consolidation efforts from 1998 to 2004.

		Technical Assistance Resources Currently Available to Support SMSI Program (Please Describe):	
		GENERAL ADMINISTRATION	
<u>Region/Institution or Organization Name</u>	<u>Contact Information</u>	<u>Description</u>	<u>SMSI Relevance</u>
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	Local Government Assistance Project partners with local governments in devising strategies and plans to use limited municipal resources to deliver basic services better and to invest sensibly in infrastructure -- Project website http://www.albany.edu/igsp/lgap.htm	LGAP support helps municipalities complete multi-year fiscal planning and creates strategies for financial management. Since most intermunicipal cooperation is driven by the need to manage resources more efficiently, LGAP activities can help municipalities understand their real fiscal conditions, examine the anticipated cost-savings of IMAs, and help potential partners craft a sound plan.
	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"Intergovernmental Practice" page on IGSP website explores character of collaborative intergovernmental work and the challenges it presents -- Website at http://www.albany.edu/igsp/practice/igpractice2.htm	Officials contemplating or engaged in IMAs should be well-versed in the six characteristics of intergovernmental work: it is network structured, collaboration based, system framed, knowledge centered, operationally embedded, and change oriented. IGSP used its own case studies, research, and expert literature to draw out these characteristics and their essential features.
	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"A Practitioner Guide to Putting Networks to Work" - - Informational primer about intergovernmental networks -- Available on publications page of website at http://www.albany.edu/igsp	Networks are an integral part of successful intergovernmental work. Here IGSP describes the characteristics of networks and how they emerge.

		Technical Assistance Resources Currently Available to Support SMSI Program (Please Describe):	
		ALL OTHER	
<u>Region/Institution or Organization Name</u>	<u>Contact Information</u>	<u>Description</u>	<u>SMSI Relevance</u>
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"A Practitioner Guide to Role Transitions in Organizations" -- Informational primer about transitioning among different roles in organizations -- Available on publications page of website at http://www.albany.edu/igsp	Moving employees into new roles when municipalities forge cooperative relationships may require some difficult transitions. Here IGSP examines the dynamics of transition and discusses how organizations can help support transition processes.
Intergovernmental Studies Program, Rockefeller College of Public Affairs & Policy, University at Albany	Intergovernmental Studies Program 122A Milne Hall, 135 Western Avenue, Albany, NY 12222 (518) 442-5293 sgc@albany.edu	"A Practitioner Guide to Transfer of Learning and Training" -- Informational primer about how organizations can support transfer of knowledge through learning and training among workers -- Available on publications page of website at http://www.albany.edu/igsp	Once municipalities embark in cooperative agreements staff may require additional training. In a few cases, where certain positions are reduced, staff skills may need to be retooled for new roles. Here IGSP explores how learning is transferred from training programs to actual workplace applications.

Learning From Past SMSI Grant Activity

During the first two years of operation, New York State's Shared Municipal Services Incentive (SMSI) grant program received more than 500 applications for aid. These applications were reviewed as part of the GLC's Technical Assistance Project to provide a description of the number, location, nature and type of shared service projects being contemplated. In the first cycle of funding, State fiscal year 2005-06, a total of \$2.5 million in State grant money was available. The administrating agency, the Department of State (DOS), received a total of 266 applications requesting more than \$35 million.

In the second cycle, State fiscal year 2006-07, the amount of State funding available increased tenfold to \$25 million. Unlike the first cycle, second cycle applications were separated into four categories: Shared Municipal Services, Shared Highway Services, Countywide Shared Services, and Local Health Insurance. For this cycle, the Department of State received a total of 246 applications requesting more than \$52 million.

Table 2 summarizes the application and award experience for the first two years of the SMSI program using three characteristics of the applications and the awards: (1) geographic region of lead applicant; (2) the program area of the application, based on the four categories of the 2006-07 cycle; and (3) how the grant money was going to be utilized. More detailed information and precise geographic locations are available in a Google Map format on the Department of State's website by using the following link: www.dos.state.ny.us

Table 2

SELECTED CHARACTERISTICS OF THE NEW YORK STATE SHARED MUNICIPAL SERVICES INCENTIVE (SMSI) GRANT PROGRAM

2005-06 and 2006-07 Grant Cycles

<u>Characteristics</u>	<u>SMSI Grant Cycle</u>		<u>Change 2006-2007</u>	
	<i>2005-2006</i>	<i>2006-2007</i>	<i>Amt.</i>	<i>Percent</i>
Applications Received: Total	266	246	-20	-7.5%
<u>Region of Application:</u>				
<i>Western</i>	33	45	+12	+36.4%
<i>Finger Lakes</i>	26	39	+13	+50%
<i>Southern Tier</i>	26	22	-4	-15.4%
<i>Central</i>	17	16	-1	-5.9%

<i>North Country</i>	37	28	-9	-24.3%
<i>Mohawk Valley</i>	22	17	-5	-22.7%
<i>Capital Region</i>	33	23	-10	-30.3%
<i>Mid-Hudson</i>	50	37	-13	-26%
<i>Long Island</i>	20	19	-1	-5%
<i>New York City</i>	2	0	-2	-100%
<u>Program Area of Application:</u>				
<i>Shared Services</i>	200	150	-50	-25%
<i>Highways</i>	50	87	+37	+74%
<i>Insurance</i>	0	6	+6	n/a
<i>Countywide</i>	16	3	-13	-81.3%
<u>Uses of Grant (more than 1 possible):</u>				
<i>Feasibility Study</i>	46	33	-13	-28.3%
<i>Equipment Purchase</i>	34	36	+2	+5.9%
<i>Implement Shared Service</i>	214	195	-19	-8.9%
<i>Implement Consolidation or Dissolution</i>	17	21	+4	+23.5%
Total of Grant Dollars Requested (\$ millions)	\$35.6	\$52.3	\$16.7	+47%
<u>Characteristics</u>	<u>SMSI Grant Cycle</u>		<u>Change 2006-2007</u>	
	<i>2005-2006</i>	<i>2006-2007</i>	<i>Amt.</i>	<i>Percent</i>
Grants Awarded: Total	22	64	+42	+190.9%
<u>Region of Award:</u>				
<i>Western</i>	5	16	+11	+220%
<i>Finger Lakes</i>	2	12	+10	+500%
<i>Southern Tier</i>	1	9	+8	+800%
<i>Central</i>	0	2	+2	n/a
<i>North Country</i>	6	6	0	0%
<i>Mohawk Valley</i>	2	2	0	0%
<i>Capital Region</i>	3	7	+4	+133%
<i>Mid-Hudson</i>	2	4	+2	+100%
<i>Long Island</i>	1	6	+5	+500%
<i>New York City</i>	0	0	0	n/a

<u>Program Area of Award:</u>				
<i>Shared Services</i>	16	45	+29	181.3%
<i>Highways</i>	5	15	+10	+200%
<i>Insurance</i>	0	2	+2	n/a
<i>Countywide</i>	1	2	+1	+50%
<u>Uses of Grant</u> (more than 1 possible):				
<i>Feasibility Study</i>	12	26	+14	+116.7%
<i>Equipment Purchase</i>	0	12	+12	n/a
<i>Implement Shared Service</i>	17	42	+25	+135.3%
<i>Implement Consolidation or Dissolution</i>	7	17	+10	+147.0%
Total of Grant Dollars Awarded (\$ millions)	\$2.5	\$12.4*	+9.9	4.04%

*\$7.9 Shared Services; \$3.8 Highway Services; \$0.3 Health Insurance; \$0.4 Countywide

3. LESSONS FROM PRIOR EFFORTS

Legal Considerations

Introduction

When exploring possible shared service arrangements, a municipal leader must take into account the numerous legal considerations during the research and negotiations phase of the shared service review process. Some of these legal considerations are fairly clear cut, such as those relating to contractual and ethical issues. Some are not as obvious, such as the opportunities that a shared service agreement can create to deal with potential liability issues that the municipality may face. The agreement could be the vehicle that allows a potential liability to be addressed sooner because of the newly acquired resources of the shared service proposal. That is, the shared service proposal provides the additional resources or economies of scale that otherwise would not be available to the municipality. These available resources allow the municipality to move forward immediately and not delay until that time when the necessary local resources are generated. "Local governments are facing increasingly difficult economic times. Many governments are experiencing a growth in service demands and costs while their local tax bases are relatively stagnant or worse, declining. Given the fiscal difficulties being experienced by the State, the prospect for increased financial assistance is unlikely. Thus, it is evident that local governments, more than before, will have to find new ways to deliver services effectively with their limited resources. While there are many ways to achieve

efficiency, perhaps the most promising method is cooperation and consolidation of services among local governments.” [Emphasis supplied, page 4 of the justification for promoting Justice Court Consolidation in the **New York State Comptroller’s Audit reports of FY 2001 and 2002 for Schenectady, Greene, Columbia and Dutchess Counties.**]

Commonly, many of New York’s municipalities have limited resources and a number have postponed important projects, some affecting health and safety. The existence of potential liabilities could lead to future legal action being brought against the municipality. The appropriate use of shared services can reduce exposure to liability. The factor triggering the legal action could occur either after an incident relating to the municipality’s failure to act, or even before a problem arises. With this concept in mind, the municipal leader must be as proactive as possible to protect the municipality.

The general resources used for this review of legal considerations are the selected case studies. They have certain limitations as they represent a very small number of the likely thousands of cooperative agreements that exist among New York State municipalities. There are many common characteristics, though, among the agreements and the following examples are good starting points for those interested in the topic. For an authoritative and comprehensive overview of the origins and operations of all governments in New York State, an excellent resource is the **Local Government Handbook** which is available from the New York State Department of State at the following link: <http://www.dos.state.ny.us/lgss/pdfs/Handbook.pdf>.

Some of the more common legal issues arising out of typical shared service arrangements are discussed below, as well as examples of potential legal liability issues. Some potential state and local legislative recommendations are also noted.

Inter-Municipal Agreements and the Use of Municipal Attorneys. One key point must be made before discussing specific legal considerations. In every situation, both to protect the municipality and to improve the likelihood of the success of the shared service proposal, the services of the local government’s municipal attorney should be fully utilized. It is strongly advised that shortly after initial discussions take place between municipal leaders, the respective municipal attorneys are at least generally informed of the discussions and of the parameters of the proposed shared service arrangement. Even the smallest municipality in New York State has some type of legal relationship with a municipal attorney, most of whom have significant municipal law backgrounds. These legal professionals, even if only tangentially involved early on, should be able to add to the initial process of exploring the proposal. Later, if the process continues to move forward, the municipal attorneys should have a major influence on the final product of the shared service agreement before it is publicly unveiled or brought to a formal vote. “The attorney does not tell the parties what to do. Rather, he tells them how to do it.” Also, typically, “an attorney is not required to attend [the meeting]; however, according to the Town of Portland Town Attorney, it is very helpful because it speeds up the process.” [**Portland/Brocton case study**, page 15.] In the Lancaster case study, “attorneys helped to guide the parties, provided advice and memorandum on implementation protocol, time limits for completing the consolidation

proposal as well as preparing and supervising the execution of the formal legal documents...[and] were on hand to assist municipal leaders with public presentations and meetings to educate and inform residents on the proposal...” [Lancaster case study, page 21.]

In the Erie County case study, which discussed the creation of a regional water project proposal, the use of legal counsel was taken to an additional beneficial level. At the beginning of discussions, a professional team which included a very experienced law firm was assembled to provide services for the entire project. “The team managing this project included two levels of legal representation—Hodgson Russ LLP, representing the overall legal interests and issues for the project, and the town and village attorneys, representing the specific needs and concerns of the individual municipalities. This double-layered system of checks and balances has facilitated a relatively smooth legal process for the project. This has ensured that the necessary resolutions and legal actions are taken at the appropriate times and with a clear appreciation of their practical ramifications for the participants.” [Erie County case study, page 14.]

Contract Issues

Create a written document which details benefits and costs for all parties.
In the Arkport case study, the bus garage proposal was rejected by school district voters. Two of the likely factors for this result are discussed here and in the section on ethics. One factor was the lack of detailed contractual terms that spelled out benefits and costs for all involved. These types of terms should be part of any project. In this proposal, language should have been drafted that states, at a minimum, that the school district would receive “fair compensation.” These documents not only help to explain and promote the project but protect the parties as the effort progresses. [Arkport case study, page 10.]

The Erie County case study noted that the inter-municipal agreement included specific language creating an enforcement mechanism that would be in place, “to protect each community from liability if other communities do not pay their share of the debt.” [Erie County case study, page 9.]

Considering the potential financial risk to the school district if the participating town did not later agree to be a partner, it is surprising that the garage facility project discussed in the Indian River case study, “[no] formal written agreement for the facility existed until the building [was constructed]...even though the Town and the School District cooperated all during the design and construction.” It is unclear whether or not the district’s attorney insisted on a written document backed by resolutions. Although there appeared to be a meeting of the minds between the parties, one should remember that circumstances can change during a multi-year project, including a municipality’s finances or even the election of new board members. [Indian River case study, page 10.]

A detailed, written agreement and other written notes or records, even if created in draft form initially, have the added benefit of keeping the elected representatives of the municipality informed of the history and content of the inter-municipal agreement. This is particularly an issue in those municipalities that have high turnover rates among the elected officials. [**Portland/Brocton case study**, page 10.]

A written agreement can also include protective language that limits the commitment of a municipality to a project, as shown in the case of Erie County. In a multi-municipality Memorandum of Understanding to apply for outside funding it was stated that, “Nothing in this Memorandum of Understanding shall be read as (a) committing any Municipality to ultimately participating in the Joint Water Project; (b) committing any Municipality to any course of action necessary for the completion of the Joint Water Project; (c) committing any Municipality to any financial commitment beyond the specific compensation stated in Section B...” [**Erie County case study**, Appendix B, page 2.]

Agreements should be based on negotiations and detailed responsibilities. In the North Elba/Lake Placid case study, it was explained that two of the reasons for the failure of the merger of the town and village highway departments were a lack of bilateral board negotiations and the lack of detailed written scope of responsibilities for the leader of the proposed merged departments. The village had unilaterally appointed the Town’s Highway Superintendent to lead its department. According to the Town Supervisor, this action jeopardized future mutual inter-municipal agreements with the village because the town’s leadership expected to be notified before any inter-municipal decisions were made. The Town Supervisor was also concerned about the lack of a written agreement that spelled out the responsibilities of the two positions. [**North Elba/Lake Placid case study**, page 4.]

In the Rhinebeck case study, several different inter-municipal agreements each started with initial “gentleman’s agreement [that] quickly achieved legal standing through resolutions of the three governing boards.” These actions allowed the collaborative efforts to be sustained because of the comfort level that developed in the mutually beneficial working relationships. [**Rhinebeck case study**, Attachment 1, page 14.]

Language detailing which party is responsible for insurance claims is another important part of any inter-municipal agreement. The municipal attorney should be able to draft the appropriate language and may also contact the municipal insurance representatives or guidance. [**Portland/Brocton case study**, page 14.]

The use of a consultant for a shared services analysis can be very beneficial. Contracting out for research into a possible inter-municipal agreement was recommended in the Town of Moriah case study, which discussed the possible merger of three fire districts. A professional, experienced consultant can bring a great deal of expertise to the process of investigating shared services. Generally, this third party can more easily avoid conflicts of interest, can look at opportunities with an experienced, unbiased view and more evenly present proposals to the public. “An outside consultant could have, without bias, identified the strengths, weaknesses and short- and long-term

needs of the department...and determine opportunities for sharing services.” The attached Appendix provides an example of solicitation of professional shared services analysis, from the Town of North Alba and the Village of Lake Placid. [**Moriah case study**, page 8.]

Advantages of School Districts as Partners. The Indian River School District proposal, which involved the construction of a garage facility, is an example of the benefits of letting a school district, particularly in a rural area, participate or take the lead in a project. Generally, school districts, in contrast to relatively small general purpose municipalities, have additional administrative or financial capacity that can be made available to the project. One example of this extra capacity was that the district was able to bill its municipal partners for monthly accrued expenses and wait for reimbursement because of the relatively small [to its overall budget] amount of funds being billed. [**Indian River School District case study**, page 9.] Another advantage is that school districts are eligible for state building aid through sections of the New York State Education Law. An interesting side issue raised in this study is whether or not the building aid should be used to expand the project or to replace funds that the District would usually provide from its own school district funds. [**Indian River School District case study**, page 8.]

Another unique feature in the Indian River agreement was the process of sharing costs on the garage facility. Instead of partnering with a number of municipalities, the school district formed a direct agreement only with the Town of Philadelphia. “The town agreed to provide in-kind services to the school district in lieu of [some cash payments].” Also, the town subleased part of the facility under its control by acting as the direct intermediary with other municipal partners. The financial benefits of having additional partners were obtained as well as the benefit of sharing the administrative workload. [**Indian River School District case study**, page 7.]

Municipal participants interested in a joint building project with a school district and also in accessing state building aid, as in the Arkport case study, must comply with sections of the New York State Education Law requiring a “building condition survey.” A common response to the requirement is the contracting out of this responsibility to a technical consultant. [**Arkport case study**, page 7.] As mentioned above, school districts serving as partners with smaller rural municipalities frequently have greater administrative capacity than these municipal governments which could be a consideration when choosing a partner for an inter-municipal agreement project. [**Arkport case study**, page 10.]

Inter-municipal Snow Plowing Agreements and GASB 45. Several legal issues arise when municipalities agree to share snow plowing duties. Detailed written contracts are necessary to delineate liability and quality standards. In the Chemung case study, which involved this function, a “winter maintenance standard policy” was drafted for these purposes. Both public works and legal departments must confirm that the standards can be met, otherwise an additional liability could be created. [**Chemung case study**, page 8] Compensation must be closely reviewed by fiscal staff so that all

employee costs are factored in, including future costs such as those retiree health care costs relating to the General Accounting Standards Board Rule 45. A municipality providing this type of service for another should be assured that the favor does not create an unreasonable burden to their own future taxpayers. [Chemung case study, page 7.]

Municipal Highway Services Boards, By-Laws and Governing Board Votes.

Another variation on inter-municipal agreements is a multi-municipality cooperative agreement that creates an entity such as a Municipal Highway Services Board as discussed in the Chemung case study. Generally, these boards consist of members who are appointed by the member municipalities. [Chemung case study, page 8.] To govern these entities, by-laws are usually drafted and agreed upon by all members. These documents should be brought back to each municipality's attorney for a formal legal review and not simply agreed to by the leader of the Public Works/Highway department. A formal resolution vote by each municipality's governing board should be held. [Chemung case study, page 10.]

Complex Law Enforcement Agreements

In the Broome County case study, which proposed a complicated merger of five local police departments, it was explained that there were numerous reasons for the failure of the proposal to be adopted. The Binghamton Police Chief stated that the proposal needed to be more "comprehensive" and that "the logistics needed more attention." Also, the study stated that the proposal was "missing the specifics necessary to understand its effect on service quality." [Broome County case study, page 14.]

The Binghamton Police Chief also noted that standardization of police officer training and equipment was very important in the public safety arena as compared to more general departments or functions. Law Enforcement Agreements generally are complex and standardization issues, specifically, are expensive and thus special attention must be paid when negotiating or drafting agreements relating to these issues. [Broome County case study, page 17.]

Procedural Issues

Numerous votes, resolutions and agreements may be necessary. In the Ridgeway/Shelby case study, which involved the merger of the town courts of two adjacent towns, several unique legal issues appeared that required multiple actions by the two town boards. As expected, a joint resolution on the agreement was needed, as well as a resolution specifically eliminating the two justice positions [see [Appendix D](#)]. The legality of eliminating sitting town justices was questioned by those affected. However, no legal action was commenced challenging the action which involved provisions of Section 106-a of the Uniform Justice Court Act and Section 60-a of the Town Law. [[Ridgeway/Shelby case study](#), page 8.]

Potential Ethical Issues

A Town Highway Superintendent cannot also lead a similar village department. In 2006, in an attempt to consolidate services, the Village of Lake Placid appointed the elected Town of North Elba's Highway Superintendent to lead the Village's Highway Department. The Town North Elba's Supervisor requested an opinion from the New York State Attorney General, challenging the legality of such an appointment. The Attorney General responded to the town's query by forwarding a 1989 Informal Opinion (No. 89-64) which stated that the holding of the two positions by the same person is incompatible because of possible conflicts of interest. "In preparing a proposed [Town] Highway budget...the Town Superintendent of Highways will have divided loyalties." And, as "an officer of the village, he has an interest in keeping village taxes reasonable out of concern for village residents." Thus, we "conclude that the positions of Village Superintendent of Public Works and Town Superintendent of Highways are incompatible." [[North Elba/Lake Placid case study](#), page 5.]

Be vigilant for actual or potential conflicts of interest. In the Arkport case study, the parcel of property selected for the proposed project for purchase by a school district consultant was owned by the President of the School Board. Not only was this bad public relations (the proposed project was defeated at the polls) but this potential conflict of interest issue could subject the project to a legal challenge or review by several governmental agencies, such as the New York State Attorney General or the New York State Comptroller. [[Arkport case study](#), page 7.]

Suggested Issues for Legislative Review

The Long Island Watershed case study, in which a number of Westchester municipalities joined together to act on storm water issues, suggests that New York State legislative leaders should consider reviewing New York's response to storm water issues, particularly if additional resources should be made available to assist those municipalities trying to respond to this significant environmental issue. The Long Island Watershed consortium offers that legislation may also be necessary to specifically allow for the creation of Storm Water Utility Districts that can access operating funds via the

implementation of user fees or from the assessed value within the proposed district. [Long Island Watershed case study, page 10.]

In the Ridgeway/Shelby case study it is suggested that the New York State Legislature should specifically review the process used by a city to consolidate its police department with the County Sheriff. [Ridgeway/Shelby case study, Introductory Letter, page 2.]

On the local legislative level, the innovative use of the powers of a building inspector is discussed in the Long Island Watershed case study. In an effort to decrease the amount of costly illegal storm water hook ups, the municipality mandated that certificates of occupancy be issued by the building inspector only if the applicant complied with approved storm water hook up requirements. [Long Island Watershed case study, page 5.]

The Use of Inter-Municipal Agreements to Respond to Potential Liability Issues

Potential liability for not being ADA compliant. In one of the most successful case studies, the Towns of Ridgeway and Shelby merged their town courts. This administrative merger also included the physical relocation of the Town of Ridgeway courtroom. This relocation eliminated the use of a facility that was, “cramped” and replaced it with, “a spacious modern court room...” [Ridgeway and Shelby case study, page 8.] Unfortunately, as also noted in the case study, the neighboring Village of Medina was not able to similarly merge its court operations with the Towns of Ridgeway and Shelby after a proposal was voted down. That relocation would have eliminated the use of a village facility that was not compliant with the provisions relating to access to public buildings of the federal “Americans with Disabilities Act.” Without this merger, it is possible that the Village of Medina will continue to be unable to resolve the issue, thus subjecting the village to possible legal action. [Ridgeway and Shelby case study, page 11.]

Potential liability because of limited oversight of police officers. The Waterford case study, which described the proposed dissolution of the town’s police department, suggests that some involved municipal officials had concerns about the level of supervisory control of this small town’s police officers. These concerns were attributed to the town’s police supervisors only having part-time oversight of the officers. The takeover by the county would have provided a larger, more sophisticated police presence with full-time supervision. Clearly, police departments, because of the nature of their work, carry one of the greatest risks of potential liability for a municipality. Any opportunity to minimize risk, obtaining greater supervision through the use of an inter-municipal agreement for example, should be thoroughly investigated. [Waterford case study, Attachment 1, page 4.]

Potential liability from potentially dangerous underground storage tanks. The successful Indian River School District project, which installed a new fueling station, shows another example of an inter-municipal agreement helping to decrease an organization’s potential exposure to liability. “The regulations were changing and would

require removing underground tanks.” The agreement also allowed the new fueling station to be located away from a highly trafficked area and away from school grounds. [\[Indian River School District case study, page 4.\]](#)

The neighboring Village of Philadelphia had perhaps the best response to limiting the village’s liability in this functional area—they contracted out their entire refueling needs to a local service station. Although a balance must be struck between the immediate cost of the refueling service and the avoidance of liability, a thorough financial analysis should be able to resolve the issue. The financial analysis must take into account that a well-written contract eliminates current security and liability issues, as well as potential future repairs, groundwater issues and removal of the tanks. The analysis should also determine any potential personnel savings, including future costs such as those relating to the General Accounting Standards Board Rule 45 (retiree health care costs). Additional research could also determine if having segregated tanks that are located at a service station, but are dedicated only to the municipality, is worth consideration. This research would respond to the claim that bulk or tax free purchases may not be available if fuel is directly taken from the gas station’s regular pumps. [\[Indian River School District case study, page 5.\]](#)

Potential liability for failure to meet water quality regulations. In southwest Erie County, a number of municipalities had, “serious legal problems with regard to meeting local and state health regulations for water quality; it is unlikely that the municipalities would independently be able to carry out the necessary upgrades to meet these regulations, leading to significant legal and economic consequences.” An inter-municipal agreement could be the solution in these circumstances if a water authority with extra capacity is located nearby. [\[Erie County case study, page 6.\]](#)

Potential liability related to illegal activity/connections to sanitary systems. Typically, many municipalities struggle to maintain their aging infrastructure or to meet rising regulatory requirements under normal conditions. These efforts can be made more difficult by the actions of individuals or businesses that don’t follow environmental regulations. In Westchester County, numerous illegal connections to the storm water infrastructure are alleged to be one of the reasons that the storm water issue is so difficult to manage. The Long Island Watershed consortium’s response to this issue is one example of municipalities realizing that an inter-municipal agreement is a proactive way of dealing with the reality that local governments cannot totally control every part of their jurisdictions. That is, although they may not be able to locate all of the extra connections that add to storm water pollution, they cannot ignore the extra pollution that is created. The creation of an inter-municipal agreement allows the municipalities to respond to an issue in a practical and fiscally prudent manner. [\[Long Island Watershed case study, page 4.\]](#)

Fiscal Considerations

Introduction

Virtually all shared service/merger/consolidation proposals have a core expectation of reducing costs and/or improving services, and the primary pressure for considering such alternatives is the increasing burden of locally-imposed property taxes. Inadequate attention to understanding the fiscal consequences, or poorly prepared fiscal analysis can doom a proposal from the start.

For example, a fiscal study done to support the consolidation of fire districts in the Town of Moriah hurt the effort. It determined that consolidation would not save money, but was later considered flawed because it was too narrowly focused on property tax impacts. The town supervisor acknowledged that he did not investigate other opportunities for “functional consolidation,” which could have reduced overall budgets or provide a level of service that could not be achieved independently. The Supervisor noted: “If I had to do it over again, I would have called for a third party to do the study.” [**Moriah Fire Consolidation case study**, p. 7].

Again, as reported in the Rhinebeck case study, the Village Board blocked the 1991 [shared services] initiative from further progress primarily because it perceived no fiscal benefit to the Village (**Rhinebeck case study**, p. 10). Officials disagreed with the accuracy of the projections, and therefore, the extent of the cost savings. Concerns about the methods employed in outlining options and the scope of the recommendations were identified as contributing causes for the village’s opposition (**Rhinebeck case study**, p. 12).

Improve the Analysis

There are several steps that can improve the quality of the fiscal analysis.

Benchmark to state data sources. If available, utilize supporting statistics and programmatic information that are collected in a uniform manner and support comparative analysis. For instance, both the New York State Department of Transportation and the New York State Department of Motor Vehicles compile municipality-specific data on a wide range of topics that can be useful in justifying specific highway proposals. Some of the State agencies are identified in the section “Helpful Web Sites” in **Chapter 3** of this manual.

Utilize local planning sources and regional academic institutions. Local planning agencies and metropolitan planning agencies, such as those identified in the section “Helpful Web Sites” in **Chapter 3** of this manual, can be especially useful in obtaining more specialized, locally-specific data. Often, these agencies also conduct original research on a topic, which can augment the fiscal analysis. Utilize the personnel in these agencies, as well as the academic institutions listed in **Appendix C** of this manual to help devise the structure of the fiscal analysis and confirm the validity

of the overall approach. This also extends to involving the stakeholders as early as possible. The goal is to arrive a set of fiscal implications that are accepted as fact.

Footnote, footnote. Finally, footnote everything you can. It is inevitable that unfamiliar information will be used and assumptions will have to be made in tailoring the fiscal analysis to mirror the specifics of the proposal. It is very important to document the sources of statements made and the assumptions used as best you can.

Check for Other Grants

Although the SMSI program is the primary funding source supporting the specific development of shared service proposals, other sources were used in prior years and may still be utilized in concert with SMSI funding (but cannot be used as part of the ten percent local matching requirement).

For instance, the Indian River School District received a \$16,000 grant from the New York State Education Department to study the feasibility of sharing vehicle maintenance, storage and fuel depot. [**Indian River case study**, page 2].

Another example is from the Lancaster/Depew case where the County of Erie assisted with the costs associated with completion of the consolidation. The Village and Town negotiated with the County Executive of Erie County for a one-time payment in the amount of approximately \$700,000 as and for compensation to the Village of Lancaster for costs associated with the transfer of its police functions to the Town of Lancaster. The payment represented the cost to the Village of Lancaster of equalizing the retirement benefits of village officers with those that town officers received. Town of Lancaster police officers had an enhanced retirement benefits package with the New York State Police and Firemen's Retirement System, as compared to that of the village officers at the time the consolidation was completed. The payment from the County of Erie assured that the Village would not have to absorb these additional personnel costs and was definitely an incentive for the parties to pursue the consolidation. [**Buffalo Lancaster/Depew case study**, p. 17].

An excellent source of information about federal and New York State grant programs is the **Catalog of State and Federal Programs Aiding New York's Local Governments**, published bi-annually by the New York State Legislative Commission on State-Local Relations. Copies of the 2005 edition are available from the Commission at:

Agency Building 4, 14th Floor
Empire State Plaza
Albany, New York 12248
(518) 455-5035
(518) 455-5396 (Fax)

The Catalog is also available on line at the New York State Assembly's web site at: www.assembly.state.ny.us. [From the Assembly's home page, click on

“Committees, Commissions & Task Forces,” and then click on Commission on State-Local Relations.]

Process Considerations

The process that is used to develop and implement shared service arrangements has been shown to have an influence on the outcome. This does not mean to imply that there is one process that ought to be followed to the exclusion of all others, but the five ideas presented below can help insure that decisions about shared service proposals will be made on the merits and not on squabbling over process.

1. Make sure there is a problem to be solved and that you are not proposing a solution in search of a problem. While it may be true that the underlying impetus for most efforts to share services is concern about the local property tax burden, applying for funding in and of itself is usually counterproductive. Further, many problems that do exist may not lend themselves to a shared solution. Knowing the full history of an issue may help predict the likelihood of a successful outcome.
2. Success breeds success, and starting by picking the low hanging fruit may provide a strong foundation for more substantial shared service arrangements in the future. The case studies provide many examples where municipalities in New York have built long track records of successful incremental changes in service delivery (see the Brocton/Portland case, for example).
3. While it should be common sense, too often we found examples of a failed effort because the stakeholders were not consulted. The SMSI application seeks to avoid this by requiring the leadership of communities involved in the proposed shared service to pass resolutions of support. However, there are usually additional affected parties, such as unions, professional associations, and community groups whose support is vital to the success of the proposal. This level of preparation extends beyond the application process. Creation of an advisory group to work with during the implementation phase can be equally important.
4. Get the citizens on board. What may be a terrific idea to the elected leadership may not resonate with the public. Use of public opinion surveys can be useful in this regard, especially on the front end to insure there is support for the proposed shared service. In the Brocton/Portland case, for instance, a survey by the Rochester-based Center for Governmental Research helped identify areas for shared service arrangements with strong community support. As the size of the communities and scope of the shared service proposal increases, having the guidance of public opinion becomes almost mandatory. And providing

transparency throughout the negotiation and implementation process helps insure public acceptance achieving of program goals.

5. Be sure to enlist the press. They are almost always supportive of shared service efforts. In fact, in all 15 case studies completed as part of the GLC's SMSI technical assistance project, there was no opposition by the press to any shared service proposal.

Collective Bargaining/Personnel Considerations

Introduction

A municipal leader must take into consideration that a proposed shared service agreement can have an impact on collective bargaining and personnel issues. A shared service agreement can either resolve outstanding issues or create new problems. In researching or negotiating a proposal, one must always keep in mind that if a collective bargaining or personnel issue is created it cannot be ignored because, if for no other reason, the parties affected are frequently very influential in the municipality. If a contractual or human resources issue is raised, then the municipal attorney (or special labor counsel, if utilized) must be made aware of the issue. As discussed earlier in the **“Legal Considerations” section**, these professionals should be expected to both protect the municipality and to improve the likelihood of success of the proposal. The general resources used for this section are the selected case studies. There are many common subjects in the case studies and the following examples are good starting points for those interested in these issues.

Safe working conditions. Many of the case studies note that the physical conditions of municipal facilities are in need of repair or updating. In the Arkport case study, it was explained that the municipal garage lacked an adequate drainage system that created “hazardous conditions in the surrounding school parking lot from water ‘ponding’ and then freezing.” Generally, under the Occupational Safety and Health Act of 1970, an employer has a duty to provide a place of employment that is free of recognized hazards. The hazardous conditions such as those described above could easily lead to a formal complaint which would then become a legal matter for the municipality. Unfortunately, as discussed earlier, the proposal which would have alleviated many of these hazardous conditions did not move forward. [**Arkport case study**, page 6.]

The Indian River School District project is an example of an inter-municipal agreement that properly eliminated unsafe working conditions. The old highway building had safety issues relating to fumes, ice and a lack of heating inside the building. In addition, the shop area did not have a lift to do repair work under the vehicles. After the new garage facility was opened, the employees moved into a modern and well-designed building. [**Indian River case study**, page 4.]

Contracting out of services. In the same case study, it was noted that some school bus maintenance was contracted out to another school district. In this type of a situation, the leaders of the collective bargaining units for school bus maintenance workers in both school districts could possibly challenge this arrangement. The Arkport unit could question the “outsourcing” of work that “could potentially” be done in-house. The other school district unit could challenge the additional work that is created by the agreement and could be viewed as not part of the union’s contract with the school district. [[Arkport case study](#), page 6.]

In-kind services. In the Indian River School District project case study, using in-kind services instead of cash reimbursement could be another potential area of union concern. The arrangement requires town employees to perform work on the site of another municipality or school district. This work, such as snow plowing a parking lot, would be made in exchange for another municipal service or in lieu of a cash payment. As has been recommended above, in these types of situations, municipal leaders should create a written agreement between the parties. It is also suggested that discussions be held with employee representatives to help mitigate any concerns prior to the implementation of any additional work assignments of this nature. [[Indian River case study](#), page 5.]

Specialized positions and opportunities for additional training. In certain areas of New York State, it can be difficult to fill certain technical positions. In the Portland/Brocton case study, the Village of Brocton had difficulties filling its dog control position which requires specialized training. To resolve the problem, the town and village decided to merge both dog control functions under the Town of Portland. [[Portland/Brocton case study](#), page 7.]

Also, the successful police department merger discussed in the Lancaster case study, created a larger police department that allowed for more specialized training and greater potential for the advancement of personnel. [[Lancaster case study](#), page 6.]

Police department restructuring feasibility studies. The most controversial municipal departments to consider restructuring are municipal police departments or other departments that are related to public safety. These departments are generally represented by strong unions that assertively support their membership. In an example of how active police unions can be, a police department union from the neighboring City of Troy actively campaigned against any change in the Town of Waterford’s police department. [[Waterford case study](#), page 8.]

The Waterford case study detailed a failed attempt to restructure the police department. This complex effort would probably have been aided by the development of a feasibility study by the New York State Division of Criminal Justice Services. “[The] agency would have performed a feasibility analysis on behalf of Waterford, but was not contacted.” [[Waterford case study](#), page 2.]

In the Lancaster case study, it was noted that the leaders of the successful effort to merge the police departments did receive an analysis from the Office of Public

Safety at the New York State Division of Criminal Justice Services. This professional third-party review provided unbiased information to the municipal officials who were making important decisions affecting municipal personnel. [[Lancaster case study](#), page 3.]

One-person plowing. In the Chemung County case study, the controversial one-person snow plowing option is discussed. The issue of safety is made in opposing arguments by both sides. Detractors argue that having one person in a large snow plow truck is inherently dangerous in rural or remote areas because if an accident occurs with only one person in the truck, the winter conditions could spell disaster. Management advocates argue that because of very specific additional safety provisions that are applied to one-person plow operations there is no extra danger. Advocates also maintain that one-person snow plowing is actually safer because more frequent rest or sleeping periods are created during an extended storm, as additional drivers become available to share plowing duties under the one-person plan. [[Chemung County case study](#), page 7.]

The New York State Public Authority Model. The Long Island Watershed case study notes that under the commonly used public authority model, “provisions authorizing the transfer of employees from municipalities to the authority while preserving employee civil service status and benefits” are common. Thus, if the inter-municipal agreement includes the creation of a public authority, it is likely that much of the possible opposition from the affected public employee unions can be reduced. [[Long Island Watershed case study](#), page 9.]

Multiple Collective Bargaining Agreements

The Broome County case study noted that coordinating collective bargaining agreements from several different bargaining units or unions is particularly complicated because each group is unlikely to want to accept provisions from other contracts that are seen as inferior to those provisions that are in their current agreement. In this study, as an example, an official stated that a sensitive area involved how different departments treat sick time buyouts options. Interestingly, part of the proposal includes the concept that all new officers will be placed in a newly created collective bargaining unit, with the thought that eventually, as retirements occur, all officers will be in the one consolidated unit. [[Broome County case study](#), page 16.]

4. OTHER USEFUL RESOURCES

Annotated Bibliography

This is a selected annotated bibliography done by the New York State Library, at the request of the Government Law Center, through the New York State Department of State, as part of the SMSI Technical Assistance Project. The search by the New York State Library was limited to recent writings from 1990 to the present and performed using certain search phrases: 1. Village Dissolution; 2. Municipal Consolidation; 3. Municipal Mergers; 4. Shared Highway Services; 5. Municipal Highway Consolidation; 6. School District Consolidation; 7. Shared Municipal Services; 8. Water District Consolidation; 9. Sewer/Wastewater District Consolidation; 10. Police Consolidations; 11. Fire Consolidations; 12. Shared Code Enforcement; 13. Shared Tax Assessment; 14. Shared Services. Results of the search are presented in two groups: examples from within the United States, and those from outside the United States.

United States

Alan Ehrenhalt, *The Dangers of School District Consolidation*, 13 Responsive Community 58 (Spring 2003).

Ehrenhalt discusses Arkansas Governor Mike Huckabee's proposal to improve the state's school finance system by eliminating local school districts with fewer than 1,500 students.

Alan Ehrenhalt, *Cooperate or Die: Just About Everybody Agrees that Governments Must Begin to Consolidate, and Just About Every Place Resists the Idea; Nowhere is Regional Cooperation Needed More Than in the Rusty Steel Towns Around Pittsburgh, and Nowhere is it Viewed with More Suspicion*, 8 Governing 28 (Spring 1995).

Ehrenhalt examines obstacles to intercommunity cooperation and centralized government among the 130 different municipalities of Allegheny County Pennsylvania with a focus on the Monongahela Valley region.

Alexander Russo, *Consolidation Studies Reach No Consensus*, 63 Sch. Admin. 13 (March 2006).

Russo shows that there is no conclusive research that either supports or debunks school district consolidation which is affected by several factors, including student enrollment, geographic distances, pre-existing conditions in the districts, and differences in research methods. Russo cites commonly used studies and reports on the subject which may prove useful to administrators involved with consolidation efforts.

Alexander Russo, *Mergers, Annexations, Dissolutions*, 63 Sch. Admin. 10 (March 2006).

Russo discusses the difficulties that can arise with school district consolidation including one of the largest difficulties being whose mascot and nickname should be used in the new consolidated district. The consolidation process often tests administrators and the limits of rural community pride.

Anonymous, *Consolidation, Joinder, and Class Action*, 57 Disp. Resol. J. 24 (November 2002 – January 2003).

This article discusses the efforts on the part of states, the federal government, arbitrators, and courts to consolidate related arbitrations or joining a third party in an arbitration proceeding. At the time of the article, no federal statute authorized arbitrators or courts to consolidate and the Federal Arbitration Act did not mention consolidation. The Revised Uniform Arbitration Act 2000 (RUAA) authorizes courts to consolidate separate arbitrations so long as the party's agreement does not prohibit it. Section 10 of the RUAA allows a court to consolidate arbitrations in the following circumstances: 1. the claims arise from substantially the same transaction or series of transaction, 2. common issues of law or fact exist, creating the possibility of conflicting decisions, and 3. prejudice would result absent consolidation, which is not outweighed by the risk of undue delay, prejudice or hardship to the party or parties opposing consolidation.

Anonymous, *District Consolidates its Controls*, 29 Consulting – Specifying Engineer 62 (March 2001).

This article discusses the Robbinsdale Area School District in Minnesota's efforts to automate its building-control systems over a 6-year period. The district did this to save money on energy and operating costs in conjunction with other building renovations. The control system was originally installed in one building in the district and then expanded to six more buildings.

Anonymous, *New K-8 Campus*, 78 Am. Sch. & U. 12 (October 2005).

This article discusses the building of a new elementary school in the Salina neighborhood of Dearborn, Michigan after voters passed a \$150 million bond in 2002. The area where the school was being built is urban and experiencing significant growth. The design of the building was such that it would be two stories in order to conserve green space and outdoor play areas on the building site.

Beth Walter Honadle & Patricia Weir Love, *Choices for Change: A Guide to Local Government Co-operation and Restructuring in Minnesota*, 81 Minn. Cities 9 (May 1996).

Honadle and Love discuss the types of agreements between cities, townships, and counties concerning consolidation in Minnesota. The authors also discuss the various advantages and disadvantages of the agreements as well as different

ways of carrying out municipal consolidation, detachment, annexation, or dissolution.

Charles Jacques et al., *Consolidating Rural School Districts: Potential Savings and Effects on Student Achievement*, 32 J. Agric. & Applied Econ. 573 (December 2000).

Jacques et al. discuss the effects of school consolidation on costs in relation to student scores. The study was done in Oklahoma and estimated that while school district consolidation in rural areas did reduce costs, student test scores also declined. The authors' results indicate that economies of scale with respect to costs per student exists up to an average daily members of 965 students but when school districts get larger, student scores declined.

David M. Brasington, *House Prices and the Structure of Local Government: An Application of Spatial Statistics*, 29 J. Real Est. Fin. & Econ. 211 (2004), available at <http://www.springerlink.com/link.asp?id=102945>.

Brasington discusses the impacts of consolidation on house values. Brasington finds that when two internally homogenous communities consolidate public services, constant-quality house values drop by 3.5% or \$2,929. Brasington's study shows that it is the increased heterogeneity of the community that is most responsible for the drop in value and not the increased number of recipients. The study also shows that in order for economies of scale to occur, the gains from the consolidation must be in excess of 4% of house value or \$3,369.

David M. Brasington, *School District Consolidation, Student Performance, and Housing Values*, 27 J. Regional Analysis & Pol'y. 43 (1997), available at: <http://www.wisc.edu/urpl/rap/>.

This study shows that doubling the size of a school district due to consolidation lowers student achievement on proficiency exams by 1% while also lowering the average house price \$400. The study shows that regardless of cost savings, homeowners' property values fall and the tax base is likely to contract due to the consolidation. Brasington uses both building and district size measures to analyze the effect of size on proficiency passage and graduation rates unlike previous studies.

David M. Brasington, *Size and School District Consolidation: Do Opposites Attract?*, 70 *Economica* 673 (2003), available at: <http://www.blackwellpublishing.com/journal.asp?ref=0013-0427>.

Brasington discusses a study on how municipalities often cooperate in public school consolidation but often keep separate police departments and park services. The study also discusses the theoretical model of Ellingsen which predicts that: 1. under Tiebout sorting, larger size differences make big municipalities more likely to consolidate with small ones, but small municipalities less likely to consolidate with big ones; 2. municipalities never excessively

consolidate. The study examined 298 pairs of municipalities that could consolidate schooling while looking at the decision-making process of the larger and smaller member of each pair separately. The study's Poirier bivariate probit results are consistent with Ellingsen's predictions but contradict previous empirical findings.

F. Clarke Holmes, *Mississippi's Planning and Development Districts: Reaching Maturity*, 44 Pub. Admin. Surv. 1 (Autumn 1996/Winter 1997).

Holmes examines the strengths and activities of the Mississippi planning and development districts in the areas of economic, community, and human resource development, planning, and technical assistance.

James A. Visser, *Understanding Local Government Cooperation in Urban Regions: Toward a Cultural Model of Interlocal Relations*, 32 Am. R. Pub. Admin. 40 (March 2002).

Visser examines metropolitan forms of government, focusing on the reform consolidation model, public service, organization culture, intra-organizational relations, decision-making process, and other issues.

James Lawlor, *From the States*, 63 Plan. 38 (November 1997).

Lawlor discusses the consolidation efforts of New Jersey, New York, and Connecticut. During the late 1990's, New Jersey created compulsory residential site improvement standards which many local officials seemed willing to work with but the New Jersey State League of Municipalities opposed them and filed suit to rescind them. In 1997, the New York legislature passed three more parts of the piecemeal updating of the planning and zoning laws. Two of the acts updated the enabling legislation for county planning boards and regional councils to make appropriate changes in the Municipal Law while the third measure makes technical changes to the general city, town, village, and municipal laws. Governor John Rowland of Connecticut vetoed a proposal to create a task force to study the state's affordable housing law then Representative Patrick Flaherty created his own housing appeals work group.

Janet M. Kelly, *The States on Unfunded Mandates: Where There's a Will, There's a Way*, 8 S. C. Pol'y. F. 29 (Winter 1997).

Kelly examines ways to facilitate state and local partnerships to implement and fund federal mandates. Kelly takes the view that more communication, shared goals, and respect are required.

Jason S. Seligman & Yilin Hou, *Lost Capacity? Local Fiscal Capacity, Property Taxes, and Sales Tax Substitution*, Nat'l. Tax Ass'n. – Tax Inst. Am. Proceedings Ann. Conf. on Tax'n. 171 (2005).

Seligman and Hou discuss the continuing debate on the substitution of sales taxes for other forms of tax revenue at the local and national level. They focus on the local level but place it in the context of the national debate. Data for the article came from the Tax and Expenditure Data Center at the Carl Vinson Institute of Government at the University of Georgia. The authors then used three separate estimation procedures, the Maximum Likelihood Estimation, the Fixed Effects (FE) estimation effects across counties, and the Random Effects estimation which acted like a check on the county FE panel regression. The study found that the main fiscal danger to counties from substitution toward consumption taxes is found within structural differences in the prices of consumer goods and property markets.

Leonard Faulk, *Utility and Tax Sharing: A Case Study*, 10 *Colloqui* 38 (Spring 1995).

Faulk examines the process by which the City and surrounding suburban Town of Dunkirk, in southwestern New York, developed an inter-municipal cooperation agreement for water and sewer services.

Lois Pilant, *Going Mobile in Law Enforcement Technology*, Nat. Inst. Just. J 11 (January 1999).

Pilant describes computer systems in police cars that consolidate functions and record information. The article focuses on Advanced Law Enforcement Response Technology (ALERT) developed by the Texas Transportation Institute and the Federal Highway Administration.

Margaret Talley-Seijn, *Image Overhaul in the Mid-Atlantic: Aggressive Incentives Bringing Jobs Back North Part 2 Betting on Biotech*, 28 *Plants Sites & Parks* 73 (December 2001).

Talley-Seijn compares metro areas throughout New York and New Jersey in how and why they are attracting new businesses with the help of state government. The author uses the example of how Glens Falls and Queensbury have combined resources to work on joint utility projects and how they have asked the state to grant Warren County Empire Zone status. The author also discusses the Port Authority of New York and New Jersey that combined in order to run one of the largest ports in the United States. The article's main focus is on job growth surrounding metropolitan New York City after the 9/11 attacks and how surrounding areas have benefited from being less costly than metropolitan New York City.

Marvin E. Dodson III & Thomas A. Garrett, *Inefficient Education Spending in Public School Districts: A Case for Consolidation?*, 22 *Contemp. Econ. Pol'y.* 270 (2004), available at <http://cep.oxfordjournals.org>.

Dodson and Garrett estimate scale economies for Arkansas school districts because large economies of scale exist in teacher salary and supply costs, as well as total costs. The result of the study suggests that rural school districts could save measurable amounts of money by consolidating. The authors use a simulation to obtain costing estimates and found that a district could save an average of 34% in average variable costs, totaling \$40 million in savings state wide. The study also found that consolidation may increase various implicit costs to students and local communities.

Marvin E. Dodson III & Thomas A. Garrett, *Inefficient Education Spending in Public School Districts: A Case for Consolidation?*, (Federal Reserve Bank of St. Louis, Working Papers: 2002-010, 2003), available at <http://research.stlouisfed.org/wp/2002/2002-010.pdf>>URL.

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Miles Finney, *Scale Economies and Police Department Consolidation: Evidence from Los Angeles*, 15 *Contemp. Econ. Pol'y.* 121 (January 1997).

Finney discusses a study done to see if consolidation by police departments in Los Angeles County, California were economically efficient. Data was drawn from 14 of the 47 individual municipal police departments in LA for the period 1989-92. The study used a single product translog equation to find that the costs of producing either safety or arrests rose at a faster rate than the inverse of the crime rate and arrests. Because of this data, it concluded that the consolidation did not result in increasing returns.

Nicholas A. Giannatasio, *Worms and Coffee: Municipal Consolidation in the South*, 25 *Pub. Admin. Q.* 79 (Spring 2001).

Giannatasio explores the tax/service equation and progresses through variations in this equation that include productivity and privatization initiatives. Giannatasio finds that as local governments utilize economy and efficiency techniques, they may minimize these techniques and look for other alternatives to tax increases or decreases in service. It is believed that the next progression in the tax/service equation is consolidation of governments. This article repudiates the

conventional understanding that consolidation is only a solution for fragmented governments.

Nora Gordon & Brian Knight, *The Causes of Political Integration: An Application to School Districts*, (National Bureau of Economic Research, Inc, NBER Working Papers, No. 12047 2006), available at <http://www.nber.org/papers/w12047.pdf>.

This paper examines the forces behind political integration through the lens of school district consolidations which have resulted in the reduction in the number of school districts in the U.S. from around 130,000 in 1930 to fewer than 15,000 at present. The authors examined the role of potential economies and diseconomies of scale, heterogeneity between merger partners, and the role of state governments. They developed a simulation-based estimator that was rooted in the economics of matching which accounts for three important features of typical mergers: 1. two-sided decision making 2. multiple potential partners and 3. spatial interdependence. Then they applied this formula to school districts in Iowa and their results highlight the importance of economies of scale, diseconomies of scale, state financial incentives for consolidation, and a variety of heterogeneity measures.

Oscar Gonzalez, *Previous Consolidation Efforts in the Global Metropolitan Region of El Paso, Texas*, 24 Pub. Admin. Q. 246 (Summer 2000).

This report compiles a great deal of qualitative data concerning the policy-making and decision climate in El Paso which have undergirded the consolidation debate up to the present time. Contained within the report are the following areas: 1. monitoring, which will demonstrate policy outcome, 2. evaluation, which will establish policy performance, 3. problem structuring, which will outline policy problems, 4. forecasting, which will predict policy futures, and 5. recommendation, which will substantiate policy actions. It is the hope of this report that current and future city-county policymaking will implement the following decision-making instruments to transcend existing limitations and create a new vision for a consolidated metro government.

Patricia Ann Lamoureux, *Assessing the Value of the Tax Plan*, 184 Am. 13 (April 2001).

Lamoureux discusses President Bush's proposed tax plan in 2001. Lamoureux focuses on how discussions of ethical assumptions and moral values are overlooked in the wider debate.

Phyllis Berman & Lea Goldman, *Unkindest Cut*, Forbes Sept. 15, 2003, at 116.

Berman and Goldman discuss the reducing number of diamond cutters and polishers in Manhattan's Diamond District on 47th Street over the last twenty years from 1,200 to around 300 at the time of the article. They describe how New York's high costs have pushed the work to India and China where the labor

is much cheaper. The article looks at how De Beers' axing of some 35 sightholders has accelerated the decline.

Richard C. Hunter, *The Administration of Court-Ordered School Desegregation in Urban School Districts: The Law and Experience*, 73 J. Negro Educ. 218 (Summer 2004).

Hunter discusses the impacts of *Brown v. Board of Education* on race relations and public education. The article considers the resistance of southern states to desegregate public schools as well as the impact of "White Flight" and other demographic factors on urban education. The article also examines the effect of public school desegregation on public education in urban school districts including economic costs, racial isolation, student achievement, metropolitan desegregation, as well as an outlook for the future.

Richard Schragger, *Consuming Government*, 101 Mich. L. Rev. 1824 (May 2003).

Schragger reviews the book *The Homevoter Hypothesis: How Home Values Influence Local Government Taxation, School Finance, and Land Use Policies* by William A. Fischel.

Richardson Dilworth & Kathryn Trevenen, *When Cities Get Married: Constructing Urban Space through Gender, Sexuality, and Municipal Consolidation*, 40 Urb. Aff. Rev. 183 (November 2004).

Stan Shernock, *The MJTF as a Type of Coordination Compatible with both the Police Consolidation and Community Policing Movements*, 5 Police Prac. & Res. 67 (March 2004).

Shernock analyzes the opinions of police, judges, prosecutors, and social workers on compatibility of multi-jurisdictional task forces with community-oriented policing in dealing with family violence in Chittenden County, Vermont.

Stephen Calabrese et al., *Local Government Fiscal Structure and Metropolitan Consolidation*, (Brookings-Wharton Papers on Urban Affairs, No. 1 2002).

In this article, the authors investigate the distributional and welfare effects of metropolitan consolidation because most metropolitan areas in the U.S. are characterized by highly decentralized systems of local government. The authors explain possible reasons why there has been a lack of widespread popular political support for consolidations and whether consolidations can possibly lead to increases in aggregate social welfare even though they generally are not politically feasible. They conduct these analyses using a model in which: 1. localities in a metropolitan area have multiple tax instruments and can engage in both public good and redistributive expenditures, 2. households are mobile, and 3. local government tax/expenditure policies are determined through majority voting.

Suzanne Leland & Kurt Thurmaier, *When Efficiency Is Unbelievable: Normative Lessons from 30 Years of City-County Consolidations*, 65 *Pub. Admin. Rev.* 475 (July/August 2005).

Leland and Thurmaier use a new model of city-county consolidation to analyze 12 local government consolidation attempts during the last three decades. To do this, they designed a comparative case study identifying the critical variables that explain why some consolidations succeed and others fail. They found that arguments for consolidation typically fail when they focus on the increased equity to be gained from the redistribution of revenues from the suburbs to central cities. The traditional argument based on increased efficiency is also unsuccessful. The authors found that the essential element of a successful consolidation is a group of civic elites who define the economic development vision for the community, determine that the existing political structure is incapable of supporting and implementing that vision, and convince the voters that city-county consolidation is the key to economic development that will benefit the whole community, not just the elites.

Thomas McAninch & Jeff Sanders, *Police Attitudes Toward Consolidation in Bloomington/Normal, Illinois: A Case Study*, 16 *J. Police Sci. & Admin.* 95 (June 1988).

William Duncombe et al., *Potential Cost Savings from School District Consolidation: A Case Study of New York*, 14 *Econ. Educ. Rev.* 265 (1995), available at <http://www.elsevier.com/wps/find/journaldescription.cwshome/743/description#description>.

William Duncombe & John Yinger, *Does School Consolidation Cut Costs?*, 33 *Center for Pol'y. Res., Maxwell Sch., Syracuse U.* (2001), available at <http://www-cpr.maxwell.syr.edu/cprwps/pdf/wp33.pdf>.

Duncombe and Yinger focus on the cost consequences of school district consolidation in rural school districts in New York over the period 1985 to 1997. Holding student performance constant, the authors found evidence that school district consolidation substantially lowers operating costs when small districts of two 300-pupil schools are combined. When combining larger districts of two 1500-pupil schools, the operating costs, while still declining, do so at a lower percentage. When combining two 300-pupil school districts, the capital costs savings is relatively little while with two, 1500-pupil school districts, capital costs increase. They also found that state aid to cover adjustment costs of consolidation appear to be warranted, but only in relatively small districts.

International

A. Cherniavskii & K. Vartapetov, *Fiscal Decentralization and Local Government in the Reform Period*, 47 *Probs. Econ. Transition* 18 (March 2005).

Since the early 1990s, Russian municipalities have been almost totally financially dependent on the federal center and regional governments, particularly in recent years. The authors analyze decentralization processes and the fiscal autonomy of municipalities in Russia in 1992-2002 and assess planned reforms. They focus on local budgets and their role in the regions' consolidated budgets. The study is based on data from the Ministry of Finance of Russia on the execution of municipal and consolidated regional budgets during 1996-2002, as well as other data from the Ministry of Finance and Goskomstat of Russia. The authors also used data from the budget reports of seventy-nine Russian cities for 1999-2001.

Arnold H.Q.M. Merckies, *Economies of Scale and School Consolidation in Dutch Primary School Industry*, Jos L.T. Blank ed., Pub. Provision & Performance: Contributions from Efficiency & Productivity Measurement (2000).

Brian Dollery & Lin Crase, *Optimal Approaches to Structural Reform in Regional and Rural Governance: The Australian Experience*, 32 Loc. Gov't. Stud. 447 (August 2006).

Dollery and Crase write about the problems facing local governments in Australia and how state government policy makers have placed heavy emphasis on council amalgamations as the chief means of resolving those problems. The authors argue that reliance on municipal consolidation to solve municipal governing problems is misplaced and that there are other, more promising alternatives involving various combinations of structural and process change better suited to the extremely diverse character of regional and rural local government in Australia.

Dale H. Poel, *Amalgamation Perspectives: Citizen Responses to Municipal Consolidation*, 23 Can. J. Regional Sci. 31 (2000).

Poel analyzes the results of a citizen survey of those citizens living in the Halifax Regional Municipality (HRM) in Canada. The author uses a variable called "amalgamation perspectives" derived from variables that characterize the individual citizen, citizen perceptions of the impact of amalgamation on municipal services, and citizen assessments of performance in governance. The author also uses a simple model based on the three variables of views on governance, perceptions of rural space in HRM, and an assessment of a particular service area to explain the citizens "amalgamation perspectives." The author found that favorable assessments on those three variables are associated with favorable assessments of the HRM amalgamation.

E. Bastiaens et al., *Crowding Out Effects in the Local Budget and the Allocation of Local Public Consumption: Evidence from the Flemish Municipalities in a Period of Fiscal Consolidation*, 45 Tijdschrift voor Economie en Management 75 (2000), available at http://www.econ.kuleuven.ac.be/TEM/index_eng.htm.

Governance and Planning in Canadian Cities, 22 J. Urb. Aff. 361 (2000).

This article discusses governance, economic development, and planning in Canadian cities. It also includes discussions on local responses to the challenge of global economic change, the transitional impacts of municipal consolidations, synergy and movement within suburban mixed-use centers, and states, cultures, and community organizing.

Igor Vojnovic, *Municipal Consolidation in the 1990s: An Analysis of British Columbia, New Brunswick, and Nova Scotia*, 41 *Can. Pub. Admin.* 239 (Summer 1998).

Vojnovic examines the administrative, financial, and political impact that consolidation has had on Abbotsford, British Columbia, Miramichi, New Brunswick, and the Halifax Municipal Municipality, Nova Scotia as well the provincial governments' role in the process.

Igor Vojnovic, *Municipal Consolidation, Regional Planning and Fiscal Accountability: The Recent Experience in Two Maritime Provinces*, 23 *Can. J. Regional Sci.* 49 (2000).

Vojnovic discusses the issues and potential problems of municipal consolidation when there are different service levels and standards between merging municipalities. The author looks at how advocates of consolidation claim that in urban regions characterized by inter jurisdictional externalities, enlarging municipal boundaries and incorporating all the relevant economic agents is an initiative that will ensure fiscal accountability. The author focuses on the fact that unless differences in service levels and standards are considered in the design of the tax structure, inequities and inefficiencies might be exacerbated by such mergers and not reduced as advocates of consolidation claim.

Kei Fukuyama & Komei Sasaki, *Incentives and hesitation: A decision theoretic analysis of the consolidation of Japanese municipalities*, *Conf. Proceedings – IEEE Int'l. Conf. on Systems, Man and Cybernetics* (2005).

This study tries to clarify the decision structure of the 'wait-and-see' approach that many municipalities in Japan have taken despite the obvious fiscal advantages of municipal consolidation. The authors look at how the Japanese government has pushed municipal consolidation to help rationalize local administrative costs, which constitute 20% of the national budget, with the Exemption Law on Municipality Consolidation. While over 70% of Japanese municipalities hurried to set up consolidation councils, which are mandatory for final permission to consolidate is given under the law, few have made the final decision to consolidate. The authors study reasons why this has occurred and also give possible alternatives to encourage effective consolidation.

Robert K. Whelan et al., *Breaking up is Hard to Do*, *Inroads* 96 (Summer 2004).

The authors focus on the issues and concerns surrounding the merging and de-merging of the Montreal mega-city after the November 2000 introduction of Bill 170 by Premier Lucien Bouchard's Parti Quebecois government to merge a

number of Quebec municipalities including Montreal and Longueuil, Quebec City and Levis, Sherbrooke, Trois-Rivieres and the Outaouais and Saguenay regions.

Rune J. Sorensen, *Local Government Consolidations: The Impact of Political Transaction Costs*, 127 *Pub. Choice* 75 (2006), available at <http://www.springerlink.com/link.asp?id=100332>.

Sorensen looks at how local government in Norway is comprised of a large number of small municipalities where cost efficiency can be improved by consolidating local authorities with the help of a central government designed framework to stimulate voluntary mergers. The article then discusses four existing theories that suggest that political transaction costs will impede consolidations, which the author then tests based on data for Norwegian local government. Sorensen finds that elected politicians and administrative leaders are more interested in consolidating when efficiency gains are large. The author also finds that local revenue disparities and to some extent dissimilar party preferences are significant impediments to voluntary mergers. Finally, the author found that smaller municipalities are often prepared to sacrifice some efficiency gain to remain independent polities.

Toru Takemoto et al., *Improvement of Efficiency in Annual Expenditure and Reduction of Local Allocation Tax by the Consolidation of Municipalities – Policy Simulation of Municipalities’ Decision with Regard to the Consolidation. (In Japanese. With English Summary)*, 56 *Econ. Rev.* 317 (2005), available at <http://www.ier.hit-u.ac.jp/English/academic/ER>.

The authors created a simulation model where the central government designs a rule of allocating subsidies to municipalities and the municipalities decide whether to consolidate to maximize their net annual income under the rule. The authors next simulate a few reformed local tax-allocation systems to find what kind of system is efficient from the viewpoint of cost-cutting municipalities.

W.E. Hewitt, *Cities Working Together to Improve Urban Services in Developing Areas: The Toronto-Sao Paulo Example*, 34 *Stud. in Comp. Int’l. Dev.* 27 (Spring 1999).

Hewitt examines the structure and administrative impact of a cooperative urban development accord existing between the cities of Toronto, Canada and Sao Paulo, Brazil. Using a case study approach focusing on the emergency care provision, the extent to which urban service delivery in Sao Paulo has been facilitated by this agreement is examined. It is suggested that as a form of development assistance, the type of international municipal cooperation demonstrated may have considerable potential, insofar at least as possibilities for real improvement to establish service delivery mechanisms in developing areas are evident.

Helpful Contacts List

The DOS contract with the Government Law Center (GLC) of Albany Law School to “provide regional technical assistance through academic institutions relating to consolidations, mergers dissolutions, cooperative agreements and shared services” includes the preparation of a “User-Friendly” manual to help those interested in exploring new ways for governments to share, combine or otherwise change the way services are provided. One component of that manual, and part of the content developed for the DOS website, was an annotated listing of helpful web sites.

<u>Area/Organization</u>	<u>URL</u>	<u>Description</u>
<i>New York State Agencies</i>		
Department of Civil Service	NYS Department of Civil Service Alfred E. Smith State Office Building Albany, N.Y. 12239 Phone: 518-457-2487 http://www.cs.state.ny.us/	Resources and information on civil service for individuals who are employed by a county, city, town, village, school district, BOCES or special districts within New York State
Department of State, Division of Local Government Services	New York State Department of State Division of Local Government Services 41 State Street Albany, N.Y. 12231-0001 Phone: 518-473-3355 Fax: 518-474-6572 http://www.dos.state.ny.us/lgss/smsi/index.html	Overview of SMSI Program, description of categories, downloadable application, Resolution Tips, “How to Complete a Good Application”
Department of Transportation	NYS Department of Transportation 50 Wolf Road Albany, N.Y. 12205 Phone: 518-457-6195 https://www.nysdot.gov/portal/page/portal/index	Various information on the State’s transportation system, state and local government highway cooperation, current and past department projects
Office of the State Comptroller	Office of the State Comptroller 110 State Street Albany, N.Y. 12236 Phone: 518-474-4044 www.osc.state.ny.us/localgov/index.htm	Audited data for every unit of local government; Special reports of interest; cost saving ideas.
Legislative Commission on Rural Resources	http://www.senate.state.ny.us/SenateReports.nsf/Public_ViewReports?OpenForm , http://www.nyssenate53.com/senateupdate.asp?id=743	Links to various Commission newsletters and Reports Page of Senator George H. Winner Jr., Chairman of Commission
Legislative Commission on State-Local Relations	http://assembly.state.ny.us/ Then click on Committees, Commissions and Task Forces; then “State-Local Relations” under	At Assembly web site; search and find bills and resolutions of the current session, full-text legislative memoranda, actions (current status), and record of roll call votes, assembly calendar, and

	Legislative Commissions	hearing schedules. At State-Local Relations; find Catalog of State and Federal Programs Aiding New York's Local Governments .
New York State Senate, Local Government Committee	http://www.senate.state.ny.us/sws/SD45/report%20final.pdf	"Sharing Services and Saving Tax Dollars"- a Senate Report on Intermunicipal Agreements
New York State Department of Budget	New York State Division of the Budget State Capitol Albany, N.Y. 12224 http://www.budget.state.ny.us/localities/local/aim.html	Information on available State Aid and local Shared Services and Consolidation Incentives
New York State Division of Housing and Community Renewal	New York State Division of Housing and Community Renewal Hampton Plaza 38-40 State Street Albany, N.Y. 12207 Phone: 518-473-2526 http://www.dhcr.state.ny.us/ocd/ocd.htm	Information on available housing programs in NYS; funding opportunities; including descriptions, forms and notices of availability; and other housing information.
New York State Dept. of Environmental Conservation	New York State Department of Environmental Conservation 625 Broadway Albany, N.Y. 12233-4500 Phone: 518-402-8013 http://www.dec.state.ny.us/website/dec/rbfield/	Resources to help local government officials conserve, improve, and protect natural resources and the environment
NYS DEC - SEQRA	NYS DEC Division of Environmental Permits 4 th Floor 625 Broadway Albany, N.Y. 12233-1750 Phone: 518-402-9167 http://www.dec.state.ny.us/website/dcs/segr/	Important information on SEQRA and Environmental Impact Assessments in New York State
New York State Commission on Local Government Efficiency and Competitiveness	New York State Commission on Local Government Efficiency and Competitiveness 30 South Pearl Street Albany, N.Y. 12245 Phone: 518-292-5139 http://www.nyslocalgov.org/	The Commission provides information for state and local government on issues regarding mergers, consolidations, regionalized government, shared services, and smart growth. The Commission will make recommendations on how to improve the effectiveness and efficiency of local governments in New York. Commission will report its recommendations by April 15, 2008.
<i>New York State Associations</i>		
Association of Fire Districts of the State of New York	Phone: 516-799-8575 OR 800-520-9594 Fax: 516-799-2516 AFDSNY Secretary: 800-520-9594 www.firedistnys.com	General information concerning administration of fire districts in New York.

Greater Binghamton Council of Governments Greater Binghamton Council of Governments (continued)	Rita M. Petkash, Commissioner Fifth Floor Broome County Office Building 46 Hawley Street P.O. Box 1766 Binghamton, N.Y. 13902-1766 Phone: 607-778-2114 Fax: 607-778-6051 http://www.gobroomecounty.com/planning/PlanningCOG.php	The Greater Binghamton Council of Governments is an association of municipal governments organized to provide a forum for discussion and negotiation leading to agreement for more efficient and fiscally responsible delivery of government services, and consolidation of local governments in Broome County, New York.
New York State Association of Counties	NYSAC 111 Pine Street Albany, NY 12207 Phone: (518) 465-1473 Fax: (518) 465-0506 http://www.nysac.org	Various information for County officials and officers, including link to NYSAC SMSI Policy Primer
Association of Towns of the State of New York	Association of Towns of the State of New York 150 State Street Albany, N.Y. 12207 Phone: 518-465-7933 http://www.nytowns.org	Provides services, training, publications and representation for the 932 towns of the State of New York to help them obtain greater economy and efficiency.
New York State Conference of Mayors and Other Municipal Officials	New York State Conference of Mayors 119 Washington Avenue Second Floor Albany, N.Y. 12210 Phone: 518-463-1185 Fax: 518-463-1190 http://www.nycom.org	NYCOM provides valuable workshops, training, and programs to local government and municipal officials.
<i>New York State Academic Institutions</i>		
Albany Law School, Government Law Center	Government Law Center Albany Law School 80 New Scotland Avenue Albany, NY 12208 Phone: 518-445-2329 Fax: 518-445-2303 http://www.albanylaw.edu/glc	A collection of government law and public policy articles, studies, papers, and reports; also transcripts and materials from Government Law Center programs.
Cornell University, Restructuring Local Government Program	Mildred E. Warner, Associate Professor Department of City and Regional Planning, 215 W. Sibley Hall Cornell University Ithaca, N.Y. 14852-6701 Phone: 607-255-6816 Fax: 607-255-1971 Department of City and Regional Planning 106B West Sibley Hall	This web site, a project of Professor Mildred Warner in the Department of City and Regional Planning and the Cornell Cooperative Extension at Cornell University, is designed to provide local governments with information on restructuring trends and innovations in public sector service provision, public-private partnerships, privatization, inter-municipal cooperation and contracting back-in.

(continued) Cornell University	Cornell University Ithaca, NY 14853-6701 607-254-5378 Fax: 607-255-1971 http://government.cce.cornell.edu/default.asp	
Cornell University, Community and Rural Development Institute, Local Government Program	Community & Rural Development Institute 43 Warren Hall Cornell University Ithaca, NY 14853 Phone: 607-255-9510 Fax: 607-255-2231 http://www.cardi.cornell.edu/local_government/index.php	Publications, resources and links organized by topical areas of land use, main street revitalization, health and safety, community capacity, and economic development.
Pace Law School, Land Use Law Center	Land Use Law Center Pace University School of Law 78 North Broadway White Plains, NY 10603 Phone: (914) 422-4262 http://www.pace.edu/page.cfm?doc_id=23239	History, Authority, Purposes, and Examples of Intermunicipal Agreements in New York State
Rural New York Initiative	http://hosts.cce.cornell.edu/rnyi/004_rvp_summary_report	Downloadable highlights of “Rural Vision” report
SUNY Buffalo Regional Institute	The Regional Institute University at Buffalo The State University of New York Beck Hall Buffalo, NY 14214-8010 Phone: 716 829-3777 Fax: 716 829-3776 http://www.regional-institute.buffalo.edu/projects/projects.cfm?ID=96	Information regarding examples of collaborative municipal service delivery in the area and links to related resources
SUNY Fredonia Center for Rural Regional Development and Governance	Hon. Mark W. Thomas, Project Manager Stearns Building Suite 340 338 Central Avenue PO Box 26 Dunkirk, NY 14048 Phone: 716-363-6352, 716-363-6353 Fax: 716-363-6354 http://www.fredonia.edu/crrdg/rims.asp	Regional SMSI Studies and Data, Information on “Best Practices” including Surveys and Forums, links to more sources
Academic Institutions – Other States		
University of Georgia, Carl Vinson Institute of Local Government	Carl Vinson Institute University of Georgia 201 North Milledge Ave. Athens, GA 30602-5482	A center of education, research, technical assistance, and policy analysis to help build better governments and communities

	Phone: 706-542-2736 Fax: 706-542-9301 http://www.cviog.uga.edu/index.php	
University of Minnesota, Extension Service	University of Minnesota Extension Service Office of the Director 240 Coffey Hall 1420 Eckles Ave. St. Paul, MN 55108-6068 Phone: 612-624-1222 http://www.extension.umn.edu/index.html	A <u>Community Development and Vitality</u> program created to enhance the economic strength, civic empowerment, technological literacy and social capital of Minnesota's communities
<i>New York State – Regional Planning Agencies</i>		
Southern Tier West	Center for Regional Excellence Southern Tier West 4039 Route 219 Suite 200 Salamanca, N.Y. 14779 Phone: 716-945-5301 Fax: 716-945-5550 http://www.southerntierwest.org/default.htm	An organization founded to help coordinate and enhance planning and development activities in Allegany, Cattaraugus, and Chautauqua Counties
Capital District Regional Planning Commission	Capital District Regional Planning Commission One Park Place Albany, N.Y. 12205 Phone: 518-453-0850 Fax: 518-453-0856 http://cdrpc.org	A regional planning and resource center serving Albany, Rensselaer, Saratoga, and Schenectady counties and providing objective analysis of data, trends, opportunities, and challenges relevant to the Region's economic development and planning communities
Central New York Regional Planning and Development Board	Central New York Regional Planning and Development Board 126 North Salina St., 100 Clinton Square Suite 200 Syracuse, NY 13202 Phone: 315-422-8276 Fax: 315-422-9051 http://www.cnyrpdb.org	Consisting of Cayuga, Cortland, Madison, Onondaga, and Oswego Counties, the CNY RPDB provides a comprehensive range of services associated with the growth and development of communities in Central New York
Genesee Finger Lakes Regional Planning Council	Genesee Finger Lakes Regional Planning Council 50 West Main Street, Suite 8107 Rochester, N.Y. 14614 Phone: 585-454-0190 Fax: 585-454-0191 http://www.gflrpc.org	Identifies, defines, and informs its member counties (Orleans, Genesee, Wyoming, Monroe, Livingston, Wayne, Ontario, Yates, and Seneca) of issues and opportunities critical to the physical, economic, and social health of the region
<i>New York State – Metropolitan Planning Organizations</i>		
Adirondack Glens Falls Transportation Council	Adirondack/Glens Falls Transportation Council Washington County Municipal Center, A-231	Warren County, Washington County, and the Town of Moreau in Saratoga County created this MPO to facilitate a cooperative transportation planning and

	383 Upper Broadway Fort Edward, NY 12828 Phone: 518-746-2199 Fax: 518-746-2441 http://www.agftc.org/about.htm	decision making process between area municipalities and state and federal agencies
Binghamton Metropolitan Transportation Study	Binghamton Metropolitan Transportation Study Fifth Floor Broome County Office Building 44 Hawley Street PO Box 1766 Binghamton, NY 13902-1766 Phone: 607.778.2443 Fax: 607.778.6051 http://www.gobroomecounty.com/bmts	A regional transportation planning agency responsible for developing transportation plans and programs in Broome County
Elmira-Chemung Transportation Council	Elmira-Chemung Transportation Council 400 East Church Street Elmira, NY 14901 Phone: 607-735-5510 Fax: 607-737-5512 http://www.elmirampo.org	ECTC seeks to build regional agreement on transportation investments and to better balance highway, mass transit and other needs, leading to more cost effective solutions to transportation problems in the Elmira urbanized area
Capital District Transportation Committee	Capital District Transportation Committee One Park Place Albany, N.Y. 12205-2676 Phone: 518-458-2161 Fax: 518-459-2155 http://www.cdtcmppo.org	The Metropolitan Planning Organization of New York's Capital Region provides various resources on local studies, workshops, plans and programs
New York Metropolitan Transportation Council	New York Metropolitan Transportation Council 199 Water Street 22nd Floor New York, NY 10038-3534 Phone: 212-383-7200 Fax: 212-383-2418 http://www.nymtc.org	An association of governments, transportation providers and environmental agencies that serves as the metropolitan planning organization for New York City, Long Island and the lower Hudson Valley
Poughkeepsie-Dutchess County Transportation Council	Poughkeepsie-Dutchess County Transportation Council 27 High Street, 2nd Floor Poughkeepsie, NY 12601 Phone: 845-486-3600 Fax: 845-486-3610 http://www.dutchessny.gov/CountyGov/Departments/Planning/PLPDCTCIndex.htm	The designated MPO for Dutchess County responsible for ensuring that Federal transportation dollars (highway and transit) are committed through a locally driven, comprehensive planning process
Syracuse Metropolitan Transportation Council	Syracuse Metropolitan Transportation Council 126 North Salina St., 100 Clinton Square Suite 100 Syracuse, NY 13202 Phone: 315-422-5716 Fax: 315-422-7753 http://www.smtcmppo.org	This MPO is responsible for administering the continuous and comprehensive transportation planning process in Onondaga County, and small portions of Madison and Oswego Counties

Greater Buffalo-Niagara Regional Transportation Council	Greater Buffalo-Niagara Regional Transportation Council 438 Main Street Suite 503 Buffalo, N.Y. 14202 Phone: 716-856-2026 Fax: 716-856-3203 http://www.gbnrtc.org	Responsible for transportation planning in Erie and Niagara Counties, this organization provides a regional decision-making forum for the development of a system that best fits the Niagara Frontier
Genesee Transportation Council	Genesee Transportation Council 50 West Main Street Suite 8112 Rochester, N.Y. 14614 Phone: 585-232-6240 Fax: 585-262-3106 http://www.gtcmppo.org/	This MPO is responsible for transportation planning in the Genesee-Finger Lakes Region, which includes Genesee, Livingston, Monroe, Ontario, Orleans, Seneca, Wayne, Wyoming, and Yates Counties with a primary focus in the developed area surrounding the City of Rochester
Orange County Transportation Council	Orange County Transportation Council 124 Main Street Goshen, N.Y. 10924 Phone: 845-291-2318 Fax: 845-291-2533 http://www.orangecountygov.com/orgMain.asp?orgid=53&storyTypeID=&sid=&	This MPO is engaged in issues of land use planning, transportation, agriculture, training, resource management, open space, and economic issues that affect Orange County
Herkimer-Oneida Counties Transportation Study	Herkimer-Oneida Counties Transportation Study Union Station 321 Main Street Utica, N.Y. 13501 Phone: 315-798-5710 http://www.ocgov.net/HOCTSMPO/transportation.html	The Herkimer-Oneida Counties Transportation Study shares responsibility with the state to develop cooperative transportation and programs for the Herkimer and Oneida County area
Ulster County Transportation Council	Ulster County Transportation Council 244 Fair Street P.O. Box 1800 Kingston, N.Y. 12402 Phone: 845-340-3340 Fax: 845-340-3429 http://www.co.ulster.ny.us/planning/transportation.html	This MPO is responsible for making final decisions concerning transportation planning and programming of Federal aid projects in Ulster County as well as a portion of the Poughkeepsie-Newburgh Urbanized Transportation Management Area
Ithaca-Tompkins County Transportation Council	Ithaca-Tompkins County Transportation Council 121 East Court Street Ithaca, N.Y. 14850 Phone: 607-274-5570 Fax: 607-274-5578 http://www.tompkins-co.org/itctc/	This MPO is charge with facilitating county-wide transportation planning and is responsible for working jointly and cooperatively with all transportation related agencies in Tompkins County as well as providing transportation related information and analyses
New York State Metropolitan Planning Organizations	http://www.nysmpos.org	A coalition of the thirteen MPOs in New York State committed to working together toward common goals such as planning and research initiatives

Commercial Sites		
LOGIN	http://services.login-inc.com/LOGIN/index.asp	LOGIN is a subscription service providing online information resources designed especially for local government professionals. It provides LOGIN databases of community programs, a private search engine connecting strictly to local government sites exclusively for LOGIN members, access to over 39,000 management systems, evaluations tools, and other public works solutions, and weekly updated grant information.
National Groups		
National Conference of State Legislatures (NCSL)	National Conference of State Legislatures 444 North Capitol Street, N.W. Suite 515 Washington, D.C. 20001 Phone: 202-624-5400 Fax: 202-737-1069 http://www.ncsl.org	NCSL serves the legislatures and staffs of the nation's 50 states, providing research, technical assistance, and opportunities for policymakers to exchange ideas
United States Department of Transportation, Bureau of Transportation Statistics	United States Department of Transportation, Bureau of Transportation Statistics 1200 New Jersey Avenue, S.E. Washington, D.C. 20590 Phone: 800-853-1351 http://www.bts.gov/external_links/government/metropolitan_planning_organizations.html	This page provides a state-by-state list of all Metropolitan Planning Organizations in the country and provides links to those with their own websites
National Association of Counties (NACO)	National Association of Counties 25 Massachusetts Avenue, N.W. Washington, D.C. 20001 Phone: 202-393-6226 http://www.naco.org	NACO provides various services to the nation's counties and helps to find and share innovative solutions through education and research
National Association of Towns and Townships (NATaT)	National Association of Towns and Townships 1130 Connecticut Avenue, NW, Suite 300 Washington, DC 20036 Phone: 202-454-3954 Toll Free: 866-830-0008 Fax: 202-331-1598 http://www.natat.org/index.html	Organization dedicated to promoting legislative and regulatory policies designed to strengthen grassroots local governments including towns and townships
International City/County Management Association (ICMA)	International City/County Management Association 777 North Capitol Street, NE Suite 500 Washington, DC 20002-4201 Telephone: 202-289-4262	Professional and educational organization for chief appointed managers, administrators, and assistants in cities, towns, counties, and regional entities throughout the world

	<p>Fax: 202-962-3500 http://www.icma.org/main/sc.asp</p>	
The Council of State Governments (CSG)	<p>Headquarters: The Council of State Governments 2760 Research Park Drive Lexington, KY 40511 Phone: 859.244.8000 Fax: 859.244-8001 Eastern Region: The Council of State Governments 100 Wall Street 20th Floor New York, NY 10005 212.482.2320 212.482.2344 fax http://www.csg.org/default.aspx</p>	Information regarding the sharing of resources, strategies, and ideas among State governments
Non-Profit Guides	<p>http://www.npguides.org</p>	Free web-based grant-writing tools for non-profit organizations, charitable, educational, public organizations, and other community-minded groups.
Code of Federal Regulations (CFR)	<p>U.S. Government Printing Office Mail Stop: IDCC 732 N. Capitol Street, NW Washington, DC 20401 Toll Free: 866-512-1800 DC Area: 202-512-1800 Fax: 202-512-2104 http://www.gpoaccess.gov/cfr/index.html</p>	The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government
Federal Register (FR)	<p>U.S. Government Printing Office Mail Stop: IDCC 732 N. Capitol Street, NW Washington, DC 20401 Toll Free: 866-512-1800 DC Area: 202-512-1800 Fax: 202-512-2104 http://www.gpoaccess.gov/fr/index.html</p>	Published by the Office of the Federal Register, National Archives and Records Administration (NARA), the Federal Register is the official daily publication for rules, proposed rules, and notices of Federal agencies and organizations, as well as executive orders and other presidential documents.
Government Grants	<p>U.S. Department of Health and Human Services Office of Grants 200 Independence Avenue, S.W. HHH Building Washington, DC 20201 Phone: 1-800-518-4726 http://www.grants.gov</p>	A valuable source to find and apply for Federal government grants. There are over 1,000 grant programs offered by all Federal grant making agencies.

U.S. Census Bureau	U.S. Census Bureau 4600 Silver Hill Road Washington DC 20233 Phone: 301-763-INFO (4636) http://www.census.gov	Vast source of data on the nation's people and economy
U.S.A. Government	USA.gov U.S. General Services Administration Office of Citizen Services and Communications Suite G-142 1800 F Street, NW Washington, DC 20405 Phone: 1-800-333-4636 http://www.usa.gov/Government/StateLocal.shtml	Government Resources for State and Local Government Employees
The Public Technology Institute	The Public Technology Institute 1301 Pennsylvania Avenue, N.W. Suite 830 Washington, D.C. 20004 Phone: 866-664-6368 http://pti.nw.dc.us	PTI offers a variety of technology products and services to assist local governments in addressing their technology needs
The American Planning Association	The American Planning Association American Planning Association 1776 Massachusetts Ave., NW Washington, DC 20036-1904 Phone: 202-872-0611 Fax: 202-872-0643 http://www.planning.org	The APA is a nonprofit public interest and research organization committed to urban, suburban, regional, and rural planning

Shared Municipal Services (SMS) Information Network

Creating a “network” of the associations, agencies and academic institutions involved with the Shared Municipal Services Incentive (SMSI) grant program is a logical extension of the technical assistance developed for the grant. Initial membership includes the organizations that comprise the SMSI Project Advisory Group:

- Twelve (12) four-year academic institutions with existing local government research and/or technical assistance capabilities;
- Associations representing all of the types of municipalities eligible for funding under the SMSI grant program (counties, cities, towns, villages, school districts, and fire districts);
- State executive branch agencies with local government responsibilities or interests (Department of State, Division of the Budget, and the Office of the State Comptroller) or responsibilities specific to the SMSI program (Department of Civil Service and Department of Transportation); and
- Interested legislative branch agencies (Commission on Rural Resources, Commission on State Local Relations, local government and finance committees).

Over time it is expected that membership will expand to include, among others, New York's regional planning agencies, metropolitan planning organizations, other state agencies with local government interactions, and not for profit governmental research agencies.

A portal to the network will be available on the web site of each participating agency, as well as the organization's matrix of technical resources currently available to support the SMSI Program. The main portal can be accessed through the Department of State's web site at: www.dos.state.ny.us.

Content developed as part of the SMSI technical assistance project will also be made available through the network, and will include, among others:

- An extensive, and updateable set of web links to national, state and local sites that provide helpful information;
- An annotated bibliography of useful resources that can also be easily updated and shared; and
- The case study write-ups being prepared by the GLC, as well as the framework for adding additional case studies prepared by other network members utilizing the SMSI template.

The ultimate goal is to replace the traditional notion of a static, user-friendly technical assistance manual with a dynamic, web-based information network that is far more robust in content, accessible 24/7/365, and always up-to-date. The Department of State will be the SMS Information Network administrator, and be responsible for the development of the web-based products and services content funded by the SMSI program.

5. APPENDICES

APPENDIX A: SMSI Technical Assistance Project Case Study Template

Case Study Elements

The following sections describe the data and information to be collected, the persons to be interviewed, and the content of the written result to be provided in completing each case study. To facilitate compilation of the individual studies, we ask that the written materials be provided in Microsoft Word, using Ariel 12 pt. font. Tabular material should be presented as either a table in a Word document, or as part of an accompanying Microsoft Excel spread sheet.

1. Community Identifiers

1. For “lead” municipality (listed first) and each participating municipality, the name and type of municipality (e.g. County of Albany; City of Schenectady; Town of Hempstead; Village of Scotia; Colonie Central School District);
2. Most recent U.S. Census population and land area of each participating municipality;
3. Fiscal metrics for each participating municipality taken from the Comptroller’s local government data base for the most recent year available, including, but not limited to:
 - Total taxable assessed and full value of real property;
 - Total tax levy;
 - Total debt outstanding;
 - Total revenues, with total state aid shown separately;
 - Total expenditures, with total debt service shown separately; and
 - Total expenditures for the functional area involved (e.g. transportation, health, police, fire, etc.).
4. People involved in the case study should be identified and interviewed. This should include, but not be limited to, the chief elected official of the municipalities involved, department heads and appropriate employees, municipal attorneys or attorneys hired by the municipality(s), other local officials, representatives from advocacy groups and the media, and others who may have played a critical role.
5. Outside agencies or individuals that provided technical assistance help should also be identified, and if appropriate, contacted to ascertain the nature and extent of assistance rendered.

2. Background on the Issue Addressed

1. Provide a clear description of the issue being addressed, and where the impetus for the project came from. Include, if available, community discussion from

newspaper articles, letters to the editor, correspondence with elected officials, etc.

2. What is the legal foundation? Were there any lawsuits involved in the issue being addressed, local resolutions passed or intergovernmental agreements entered into? Copies of all legal documents should be obtained.
3. What were the arguments raised, both pro and con, in discussing the issue? Specifically look for policy, legal, fiscal, collective bargaining, political and emotional issues. Also, were there differences in organizational culture at play?
4. Did the local news organizations (print, broadcast) take a position editorially?

3. The Proposal to Address the Issue

1. Describe the specific proposal(s):
 - a. Was the proposal adopted?
 - b. Was it modified or amended prior to adoption? If yes, how was it changed?
 - c. If the proposal was rejected, explain the reasons why.
 - d. How was the proposal to be funded? And
 - e. Who was responsible for its implementation?
2. Describe who was in favor of the proposal and why.
3. Describe who was opposed to the proposal and why.
4. Summarize the policy, legal, fiscal, collective bargaining, political and emotional results expected from adoption of the proposal. Were changes expected in organizational culture?
5. Describe what steps were taken, and what agreements were reached, to be able to measure results of enacting the proposal against the expectations.

4. What Was Actually Done?

1. Describe if the proposal(s) was adopted, modified (how) and then adopted, or rejected.
2. Obtain copies, and describe any local resolutions, contracts, shared service agreements, memoranda and any other legal actions that may have been taken.
3. Provide an analysis of how the proposal's implementation results stacked up against the expectations. If the proposal has not been in operation long enough to determine outcomes, provide the set of expectations and the progress to date in meeting the expectations.
4. Meet with one or more of the municipal attorneys involved in the drafting of documents described in #2 above to develop the legal "checklist" for this type of case.

5. Summarize the Lessons Learned

1. Identify and discuss what the factors were that contributed to the ultimate success or failure of the project. Of particular importance are any impediments that were identified, and how they were overcome.
2. Discuss the expectations for results. How long until measurable results would be achieved?
3. Identify what specific forms of technical assistance were provided, or where technical assistance could have been helpful but was not available.
4. Any helpful hints for others considering such a project?
5. How did the process followed in this project stack up against the “How To” steps provided in the “SMSI Technical Assistance Manual?”
6. Provide any appropriate additional materials, including a contact list (name, title, address, phone number) of all people and organizations contacted or interviewed during the preparation of the case.

6. Provide a Contact Person for Follow-up (at both the lead municipality and the academic institution).

**APPENDIX B:
Lists of SMSI Awardees By Functional Area*
2005-2006 and 2006-2007¹**

Functional Area	Lead Municipality	Project Description
Structure of Local Government	Village of Allegany, Cattaraugus County	Study of efficiencies created by possible dissolution and merger of the village
	Town of Chester, Orange County	Study to identify areas where town and village could combine space, services, departments, or employees and achieve cost savings
	Village of Albion, Orleans County	In cooperation with the towns of Albion and Gaines, examining the potential for cost savings, efficiency, improved service, and possible merging of three municipalities into one
Required or Authorized Offices or Officers	Village of Cambridge, Washington County	Creating the position of Administrator for Planning, Zoning and DPW to serve the village of Cambridge and the village of Greenwich jointly
	Town of Ulysses, Tompkins County	With the towns of Caroline and Newfield, establishing a shared full-time staff position to enforce state and local storm water regulations
Financial Management Powers	City of Niagara Falls, Niagara County	An assessment services project to allow the City Assessor to inventory and revalue properties

* The listing of "Functional Areas parallels the listing of charts that are being updated and will be available on the New York State Assembly web site.

Public Safety: Law Enforcement	Town of Hamburg, Erie County	Cooperative services agreement between four towns and 2 villages to upgrade police dispatch infrastructure and services
	Onondaga County	Development of the Central New York Law Enforcement Analysis and Database System (CNYLEADS) to share between all County law enforcement agencies
	Yates County	Feasibility Study of coordinated police and court services with the village of Penn Yan
	Massapequa Union Free School District, Nassau County	Shared use of unoccupied school building as Police Academy, Police Activity League Unit, Juvenile Aid Bureau, Asset Forfeiture Bureau, and alternative school option for “at risk” students
	Town of Saugerties, Ulster County	Studying the financial benefits of merging town and village public works and police departments
Public Safety: Fire and Other Hazards Prevention and Control	Town of Newcomb, Essex County	Cooperative agreement with Newcomb Central School District to develop joint emergency program using school as primary shelter and support facility
	Niagara County	Along with Erie County, creating a shared Geographic Information System (GIS) network and providing connectivity to E911 backup centers in both counties

	Village of Owego, Tioga County	Studying the consolidation of town and village Fire Departments and Emergency Management Systems
	Village of East Hills, Nassau County	With the Villages of Roslyn Estates and Roslyn Harbor, exploring the savings that could be obtained by consolidating two overlapping Volunteer Fire Departments
Health and Mental Health	Warren County	In cooperation with Washington County, constructing a jointly operated Emergency Training Center to service both counties
	Town of North Hempstead, Nassau County	Studying the consolidation of Ambulance and EMS services within seven town-run fire districts
Waste Water	Town of Ticonderoga, Essex County	Construction of a new sewer system on the shore of Lake George to convey wastewater from failing sewer systems along the lake to the existing Ticonderoga plant
	City of Troy, Rensselaer County	Putting in place a six-municipality cost-sharing agreement to create an intermunicipal long term control plan for the communities' combined sewer overflows
	Erie County	With the City of Lackawanna, studying the potential redirection of wastewater flows to the Buffalo Sewer Authority for treatment

	City of Lockport, Niagara County	Studying the feasibility of consolidating water and wastewater services in the Cities of Lockport and North Tonawanda
	Town of Hanover, Chautauqua County	Exploring a project that would abandon the Village of Silver Creek's wastewater treatment and upgrade the Town of Hanover's plant to accommodate it
	Town of Ripley, Chautauqua County	Acquisition of a sewer vacuum/pump and jet cleaning equipment to be shared by six municipalities and special districts
	Town of Hume, Allegany County	Studying the connection of sewer infrastructure and consolidation of operations with the Town of Caneadea
	City of Cohoes, Albany County	Continuing development of the Albany Pool Combined Sewer Overflow Long Term Control Plan for six different municipalities
	Town of Ticonderoga, Essex County	Continuing construction of a sewer system to be jointly operated with the Town of Putnam that will convey wastewater from failing septic systems to an existing collection system and treatment plant
	Town of Plattsburgh, Clinton County	Providing new uniform metering devices to monitor and capture accurate flow data, resulting in shared cost savings to Town and City of Plattsburgh

Sanitation	Erie County	Conducting a Sanitary Sewer Rate Comparison Analysis and Merger Feasibility Study
	Town of Eastchester, Westchester County	Shared purchase of sanitary sewer televising equipment with Villages of Bronxville and Tuckahoe to identify and address problem areas
Water Supply	Town of Eden, Erie County	Development of the Southwest Erie County Regional Water Project to provide an affordable supply of potable water to four towns and two villages
	Town of Webb, Herkimer County	In conjunction with the Union Free School District, providing long-term savings to water customers by merging the Thendara and Old Forge water districts
	City of Canandaigua, Ontario County	Implementing a watershed protection plan focusing on reducing lake pollution and protecting a drinking water supply for 60,000 people in Ontario and Yates Counties
	Town of Alden, Erie County	Development of the Alden-Marilla Regional Water Supply Project to bring a safe, reliable source of drinking water to Alden and Marilla residents
	Town of Cape Vincent, Jefferson County	Joint water services project between the Town and Village of Cape Vincent to purchase water infrastructure and eliminate duplicative spending

(continued) Water Supply	Village of Champlain, Clinton County	Development of a public drinking water and sewer infrastructure management plan with the Town of Champlain and Village of Rouses Point
Other Utilities	Erie County	Combining electric, natural gas, and fuel oil accounts from participating municipalities into pools and procuring these commodities through bulk competitive purchases
	Village of Lakewood, Chautauqua County	Examining the financial and engineering feasibility of creating a municipal electric system with the City of Jamestown and the Towns of Ellicott and Busti
Highways	Town of Newstead, Erie County	Conducting a study to determine the feasibility of constructing a shared village/town highway garage and the possible consolidation of the Akron Public Works Dept. and the Town Highway Dept.
	Town of North Elba, Essex County	With the Village of Lake Placid, examining a possible consolidation of highway departments, parks departments, and a water department into a joint department of public works
	Town of Morristown, St. Lawrence County	Study of cooperation of school district, township, and village functions such as maintenance of vehicles, roads, public works, and a common fuel depot

	Village of Fort Edward, Washington County	Merging two separate public works departments in the Town and Village of Fort Edward into a single Fort Edward Highway Department
	Town of Cobleskill	Design and construction of a salt storage facility to be used jointly by The Town and Village of Cobleskill
	Steuben County	Joint purchase and operation of a paint striping truck and accessory equipment for pavement striping between Steuben, Schuyler and Yates Counties
	Chautauqua County	With the Town of Ellicott, purchasing a self-propelled chip spreader and roller to provide new highway surface treatment options for the County and Town
	Village of Fair Haven	With the Town of Sterling, joint purchase of an excavator that will enable both communities to undertake complex public works projects that have previously required extensive time and resources
	Town of Chenango	Construction of an environmentally safe salt storage facility that will house snow/ice/winter salt supplies to share with Broome County

	Town of Montague	The towns of Montague, Harrisburg and Pinckney will jointly purchase a tractor with a boom mower, a rotary mower, and a front mount broom attachment for the mutual benefit of their respective town highway departments
	Town of Peru	The Towns of Peru, Black Brook, Ausable and Jay will jointly purchase a road widener to improve service delivery, road safety, and the efficiency of municipal road crews
	Albany County	Combining the Department of Public Works Berne Field Office with the Town of Berne Highway Department and sharing an office, garage, fueling station, and salt storage facility
	Village of Deposit	The Village of Deposit and the Town of Deposit are conducting a study to explore the feasibility of a joint highway garage and consolidation of the Village and Town highway departments
	Village of Fort Edward	The Village and the Town of Fort Edward will complete their shared highway facility project to expand the Town's modern highway garage to accommodate the Village's vehicles and equipment

	Livingston County	Along with 17 towns in the County, purchase and jointly use a recycling and milling equipment that will provide a cost effective, energy efficient and environmentally sensitive method to repair county and town highways
	Town of New Paltz	Cooperating with the Town of Lloyd in the acquisition of advanced, proprietary technology, equipment, and services to improve the planning, design, construction and safety of their highway systems
	City of Schenectady	Construction of a new jointly-used municipal salt storage facility to be shared by highway departments in the City of Schenectady, Towns of Niskayuna, Princetown, Glenville and Duaneburg, and the Village of Scotia
	Town of Rose	The Town of Rose in Wayne County, will cooperate with the Towns of Huron, Lyons and Galan on the joint purchase of an excavating machine and an asphalt compactor to maintain and resurface the local roads

	Town of Leicester	The Town of Leicester and the Towns of Avon, Caledonia, Mount Morris and York will jointly purchase a self-propelled road widener and shoulder machine, and a steel drum vibrating roller to improve maintenance and repair of the municipal roads
Public Transportation	Harrisville School District, Lewis County	Consolidating the current Harrisville Central School and the Village of Harrisville vehicle fueling stations into one safe computer controlled fuel station and allowing for the aggregation of fuel purchasing
	Arkport Central School, Steuben County	Construction of a new bus facility to share with the Village of Arkport, the Town of Hornellsville, the NYSP, the Steuben County Sheriff's Office, and several other agencies
	Town of Southampton, Suffolk County	Creation of a coordinated rail and bus network on the East End of Long Island to replace existing transit services for five towns
	Alexander Central School District, Genesee County	Feasibility Study of a shared fuel depot, shared vehicle maintenance facility and shared equipment in collaboration with the Village of Alexander and the Town of Alexander

Social Services	Town of Adams, Jefferson County	Construction of a jointly-owned municipal building for the Village and Town of Adams
	Town of Aurora	Consolidation of the Town and Village administrative offices into a single facility in cooperation with the Aurora Town Public Library
	Town of Franklinville, Chautauqua County	Investigating the relocation of the village administrative office into the larger, more accessible town administrative office and sharing a single municipal building
	Town of Avon, Livingston County	Completing renovations of the new joint court facility for the Town and Village of Avon
	Schuyler County	Creation of a shared central repository for records management and retention for the Towns of Dix, Hector and Watkins Glen and the Watkins Glen School District
Recreation	LeRoy Central School District, Genesee County	Construction of athletic facilities for community and scholastic use, to be shared with the Village and Town of LeRoy and the Town of Stafford
	Town of Trenton, Oneida County	Feasibility Study and Implementation Plan for a Community Recreation Center to be shared by the Towns of Trenton, Floyd and Remsen

Education	Brocton School District, Chautauqua County	Creating a consolidated business office and new personnel positions to be shared with Westfield Academy and Central School, Ribley Central School District, and Chautauqua Lake Central School District
	Tonawanda City School District, Erie County	Exploring potential cost savings associated with shared maintenance, purchasing, and technology services with the City of Tonawanda
	Center Moriches School District, Suffolk County	Studying the possible consolidation of the Center Moriches School District and the East Moriches School District
	North Colonie Central School District, Albany County	Studying the feasibility of the annexation of the Maplewood-Colonie Common School District
Planning and Zoning	Town of Union, Broome County	Development of the Union Unified Zoning Ordinance with the Village of Endicott and Johnson City to create a shared Planning Department and Building Permit and Code Enforcement Department
	Nassau County	Working with the City of Long Beach on the development of a real-time web-based municipal GIS data sharing portal to share assessment related data currently in the Nassau County Land Records Viewer

Community Development	Village of Seneca Falls, Seneca County	Creation of a unified economic development and commercial revitalization plan and possible consolidation of government facilities and services between the Village and Town of Seneca Falls
Economic Opportunity and Development	Town of Evans, Erie County	Working with the Towns of Eden, Brandt, and North Collins and the Villages of Angola, North Collins, and Farnham to develop the Southtown's Community Enhancement Coalition Corporation to function as the economic development arm for these seven municipalities
Natural Resources	Town of Brookhaven, Suffolk County	Development of a Shared Clean Fuels Transportation Program to advance the use of clean burning, compressed natural gas school buses on Long Island
	Town of Fishkill, Dutchess County	With the Town of East Fishkill, constructing a new artificial wetland treatment system to allow on-site leachate treatment at their joint landfill

Alternatives for Municipal Change	Village of Allegany, Cattaraugus County	Along with the Town of Allegany, studying the potential dissolution and merger of the village into the Town
	Village of Cobleskill, Schoharie County	Studying options for shared services, cooperative agreements, and the merger or dissolution of jurisdictions between the Village and Town of Cobleskill
	Town of Liberty, Sullivan County	With the Village of Liberty, exploring shared services, consolidation, merger and possible dissolution of the village
	Village of Pike, Wyoming County	Working with the Town of Pike and the Pike Fire Department to examine the potential dissolution of the Village of Pike and prepare the Town to perform activities previously conducted by the village
	Village of Macedon, Wayne County	With the Town of Macedon, studying the potential economic impacts and the extent of efficiencies created by a dissolution of the village
	Village of Cherry Valley, Otsego County	Working with the Town of Cherry Valley to identify issues, costs, and benefits of dissolution of village government and consolidation of services with town government

	Village of Pike, Wyoming County	Working with the Town of Pike and the Pike Fire Department to examine the potential dissolution of the Village of Pike and prepare the Town to perform activities previously conducted by the village
	Village of Macedon, Wayne County	With the Town of Macedon, studying the potential economic impacts and the extent of efficiencies created by a dissolution of the village
	Village of Cherry Valley, Otsego County	Working with the Town of Cherry Valley to identify issues, costs, and benefits of dissolution of village government and consolidation of services with town government

APPENDIX C:
List of SMS Information Network Academic Institutions

Institution	Address	Phone	Fax
Albany Law School	80 New Scotland Avenue Albany, NY 12208	(518) 445-2351	(518) 445-2303
SUNY Binghamton Department of Public Administration	SUNY Binghamton Department of Public Administration P.O. Box 6000 Binghamton, NY 13902-6000	(607) 777-2719	(607) 777-2414
Pace University; Edwin G. Michaelian Municipal Law Resource Center	1 Martine Avenue, Room 304 White Plains, New York 10606	(914) 422-4276	(914) 989-8351
Rockefeller College	135 Western Avenue Milne 122 A Albany, NY 12222	(518) 442-5293	(518) 442-5298
Rockefeller Institute of Government	411 State Street Albany, NY 12203-1003	(518) 443-5831	(518) 443-5788
SUNY at New Paltz	College of Liberal Arts and Sciences JFT 614 1 Hawk Drive New Paltz, NY 12561	(845) 257-3520	(845) 257-3517
SUNY Fredonia	Center for Rural Regional Development and Governance 338 Central Avenue, Suite 340 Dunkirk, NY 14048	(716) 363-6353	(716) 363-6354
Potsdam Institute for Applied Research	313 Satterlee Hall Potsdam, NY 13676	(315) 267-2567	(315) 267-2097
Syracuse University, Maxwell School	215 Eggers Hall Syracuse, NY 13244	(315) 243-2530	(315) 443-9721
Technical Assistance Center at SUNY Plattsburgh	213 Redcay Hall SUNY Plattsburgh 101 Broad Street Plattsburgh, NY 12901-2681	(518) 564-3224	(518) 564-3220

<p>University at Buffalo Regional Institute</p>	<p>Beck Hall University at Buffalo The State University of New York 3435 Main Street Buffalo, NY 14214-3004</p>	<p>(716) 829-3777</p>	<p>(716) 829-3776</p>
<p>SUNY Stony Brook Department of Political Science</p>	<p>Social and Behavioral Sciences Building, 7th Floor Stony Brook University Stony Brook, NY 11794-4392</p>	<p>(631) 632-7672</p>	<p>(631) 632-4116</p>

**APPENDIX D:
Shared Municipal Services Intermunicipal Agreement Forms**

Type of Agreement Form/Functional Area	Communities Involved	Case Study Identification/Location
Bylaws for a multi-municipality council	LI Sound Watershed Inter-municipal Council	Long island Watershed case study , Appendix B-2
Bylaws for a multi-municipality highway services board	Chemung County	Available Fall 2007 from Deputy Chemung County Executive Michael Krusen at mkrusen@co-chemung.ny.us
Grant application for a successful multi-municipality shared services research project	Town of Morristown	Morristown case study , Appendix 1
Inter-municipal agreement for joint archiving facility	Town of Lancaster and Village of Lancaster	Lancaster case study , Appendix 1
Inter-municipal agreement for assessing services	Towns of Lancaster and Cheektowaga and Village of Depew	Lancaster case study , Appendix 1
Inter-municipal agreement merging building inspector's office	Town of Lancaster and Village of Lancaster	Lancaster case study , Appendix 2
Inter-municipal agreement creating a multi-municipal council	LI Sound Watershed Inter-municipal Council	Long Island Watershed case study , Appendix B-1
Inter-municipal agreement for dog control services	Town of Lancaster and Village of Lancaster	Lancaster case study , Appendix 8
Inter-municipal agreement for dog control services	Town of Portland and Village of Brockton	Portland/Brockton case study , Appendix 2

Inter-municipal agreement for lease of fueling facility	Indian River School District and Town of Philadelphia	Indian River case study , Appendix 3
Inter-municipal agreement for shared fueling facility	Town of Portland, Brockton School District and Village of Brockton	Portland/Brockton case study , Appendix 9
Inter-municipal agreement for sub-lease of garage facilities	Town of Philadelphia and Jefferson County	Indian River case study , Appendix 4
Inter-municipal agreement entering into a Multi-Municipality Highway Services Board	Chemung County	Chemung County case study , page 13
Inter-municipal agreement for police functions	Town of Lancaster and Village of Lancaster	Lancaster case study , Appendix 12
Inter-municipal agreement establishing single town court	Towns of Ridgeway and Shelby	Ridgeway and Shelby case study , Appendix 6
Inter-municipal agreements for various functions from numerous New York municipalities	New York State Department of State	Available from Joann Ryan, AICP at: jryan2@dos.state.ny.us ; or at the NYS Department of State, Division of Local Government, 41 State Street, Albany, NY 12231-0001
Inter-municipal agreement for lease of vehicle storage and maintenance facility	Indian River School District and Town of Philadelphia	Indian River case study , Appendix 2
Job description of a county public works coordinator	Chemung County	Chemung County case study , page 14
Local law for building inspector/storm water discharge compliance	Town of Mamaroneck	Long Island Watershed case study , Appendix B-6
Memorandum of understanding for multi-municipality regional water project	Erie County	Erie County case study , Appendix 4

Memorandum of understanding for shared service agreements	Town of North Elba and Village of Lake Placid	North Elba/Lake Placid case study , page 19
Resolution reducing number of town judges	Towns of Ridgeway and Shelby	Ridgeway and Shelby case study , Appendix 2
Resolution establishing single town court	Towns of Ridgeway and Shelby	Ridgeway and Shelby case study , Appendix 5
Solicitation for professional services for shared service analysis	Town of North Elba and Village of Lake Placid	North Elba/Lake Placid case study , page 21

APPENDIX E: Costing Template for Highway Services

Sharing Municipal Highway Services: A Preliminary Checklist of Considerations

**The Nelson A. Rockefeller Institute of Government
Brian Stenson and Patricia Billen¹**

May 2007

Maintaining and repairing roads and bridges is a major part of the package of services provided by many local governments. Local governments across the U.S. spent almost \$46 billion building and maintaining highways, bridges, and other related structures in 2003-04. According to the Office of the State Comptroller, in New York State, in 2003, highways accounted for 2.6 percent of county expenditures (excluding NYC), 4.7 percent for cities, (excluding NYC and schools), 18.4 percent for towns (the largest category for towns), and 9.8 percent for villages. Nearly every unit of local government in New York provides highway services—when used in this checklist, this term refers to highways, roads, streets, bridges, and other related structures.

By definition, the municipal highway function is an expensive undertaking, involving labor costs, vehicles and equipment, and large facilities. Also by definition, much of the work of local highway departments is seasonal, with spikes in certain activities at different times of the year. It is not surprising that highways probably is the local government function most often part of a sharing arrangement, and generally the first topic that comes to mind when local officials discuss the possibility of sharing municipal services.²

Why investigate the possible consolidation or sharing of highway services? Most local officials who enter into such arrangements do so for one or more of the following reasons:

1. The possibility of reducing costs or avoiding new expenses by making better use of resources (both personnel and other expenses)
2. The ability to re-invest savings into enhancing the capital budget and making needed investments in better roads and bridges
3. To achieve an improved level of service, measured by better snow plowing, faster pothole repair, more frequent grass/brush cleaning, etc.

¹ Brian Stenson is the former deputy director of the Rockefeller Institute of Government and is currently with RBC Capital Markets. Patricia Billen, previously a project director at the Rockefeller Institute, is currently with the NYS Governor's Office of Regulatory Reform.

² Throughout this document we use the term "sharing agreement" broadly to include all types of cooperative arrangements between localities ranging from informal "handshake" agreements to more formal arrangements governed by contracts, purchase orders, memorandums of understanding, etc.

This checklist is designed to assist local government managers and elected officials with varying levels of fiscal expertise and information resources in considering the key fiscal factors that should go into studying the feasibility of sharing highway services. Local officials should use the following three steps as starting points for considering the costs and benefits of sharing services. The steps outlined are 1) identifying the full range of your own government's services, 2) completing a comprehensive inventory of your highway program's services and costs, and 3) completing a comprehensive service and cost analysis.

We recognize that completing the three steps outlined below, particularly the inventory of your highway program, will be laborious for many local departments, especially where computer systems are not comprehensive or staffing is limited. However, even reviewing the types of information that are suggested but not readily available will serve a valuable purpose in illustrating the true complexity involved in running highway programs in modern times. More importantly, the information gathered will prove indispensable in your decision-making.

Step One: Identify the full range of your own government's services

We strongly recommend starting the evaluation process by examining the full range of highway and related services your government already provides. Many local governments are responsible not only for highway services, but they also have some responsibility for sewer and water, and recreation programs. Although these services are certainly different, they all may require some of the same factors that add to local costs. For example, all of these services may involve:

- Trucks
- Equipment to cut/mow grass
- Heavy equipment such as graders and backhoes
- Tools
- Personnel with a broad range of skills including laborers, employees trained in the use of specialized equipment, and engineers
- Garages to house equipment and tools
- Maintenance shops for equipment and vehicles
- Specialized computer systems to maintain records, manage inventory, schedule maintenance, etc.
- Purchase and use of supplies such as asphalt, dirt, sand, and salt

As you begin to think about consolidating your highway services with those of a neighboring community, don't miss the opportunity to re-examine all of the related services your municipality already provides. Where these services are provided by separate departments within your local government, you should include them in your assessment. Even if you decide not to pursue a sharing arrangement with a neighboring community, you should consider consolidating certain core services within your government to take maximum advantage of efficiencies and economies of scale.

Step Two: Complete a comprehensive inventory of your services and costs

We strongly suggest you conduct a comprehensive review of all the factors that affect your highway program and budget. This exercise will help you identify not only the direct and indirect costs associated with your department(s), but also areas where your current operation is not fully utilizing its capacity and potential and where cost increases are expected. These factors should form the basis of any plan for sharing services with a neighboring community or communities.

We recommend that you go through this process of inventorying every facet of your operation even if you have not yet begun discussions with other communities about possible sharing arrangements. This will help you in evaluating the feasibility of internal restructuring as described in Step One, but will also give you insights and leads that you can use to begin discussions with counterparts in neighboring localities.

The following checklist highlights the major types of information you should compile as you begin to evaluate sharing services. This information should be available internally, although we provide potential state and federal government sources where applicable. Developing this data will enable you to complete analyses of basic cost, personnel, efficiency, and other factors, and identify possible advantages to entering into a sharing arrangement. Please see **Appendix A** for the checklist spreadsheet, also available online at the DOS website (<http://www.dos.state.ny.us>).

1. **Highway and Bridge Inventory:** You should review and update your inventory of all highways and bridges in your locality (and complete one if it doesn't exist). This inventory should include:

- a. **Highways:** List the segments of all highways currently located and planned for construction in your jurisdiction. Identify whether they are/will be maintained by:

- New York State Department of Transportation (NYS DOT)**
- County**
- Town**
- Village**
- City**

- Where to find information: A useful source for this information is the Highway Mileage Report for New York State produced by NYS DOT. This report provides mileage by governmental jurisdiction (state, county, cities, towns, and villages) and is available at <https://www.nysdot.gov/portal/page/portal/divisions/engineering/technical-services/highway-data-services/highway-mileage-summary>.

Detailed information on the segments of specific highways in a jurisdiction can be obtained by contacting NYS DOT at Highway Data Service Bureau, POD 3-2, NYS DOT, 50 Wolf Road, Albany, New York 12205, Attention: Anthony Torre.

- b. **Bridges:** List all bridges currently located and planned for construction in your jurisdiction. Identify whether they are/will be maintained by:

- New York State Department of Transportation (NYS DOT)**

- County
- Town
- Village
- City

Where to find information: NYS DOT collects information on all bridges in the state using a “Bridge Inventory System.” For more information, contact Dr. Srennivas Alampalli of the Office of Structures, NYS DOT at (518) 457-5498.

2. **Highway and Bridge Condition Assessment:** If you have completed a systematic assessment of the condition of all your highway and bridge systems, you should include that information on the Highway and Bridge Inventory, with as fine a detail as possible. If you have not completed such an assessment, you should do a preliminary one.

NYS DOT conducts an annual survey of state highway pavement conditions using two measures: a surface condition rating (a 1 to 10 point scale) and the dominant distress indicator, which is a specific symptom (e.g., faulting, spalling, alligator cracking, widening drop off) that will trigger a different treatment category than suggested by surface condition alone. For more information on the methods used by NYS DOT to assess and track pavement conditions see *Pavement Condition of New York’s Highways: 2006* available at <https://www.nysdot.gov/portal/page/portal/divisions/engineering/technical-services/pavement-management>.

- Where to find information: NYS DOT collects information on bridge inspections including ratings and conditions using the “Bridge Inventory System.” For more information, contact Dr. Srennivas Alampalli of the Office of Structures, NYS DOT at (518) 457-5498.

3. **Capital Facilities:** List all buildings, garages, salt sheds, and other structures under the responsibility of the highway department. For each structure, include the following information:

- a. **Description**, such as “garage” and type of construction
- b. **Size**, in square feet
- c. **Capacity**, measured in number of trucks, cars, etc. Include whether there is excess physical capacity (i.e., the structure can accommodate additional vehicles) or insufficient capacity (the department uses other facilities, including owned and rented space, to house department vehicles)
- d. **Age/condition** of facility, including year built, projected remaining useful life, and a general assessment of the adequacy of the facility for equipment and employees, as well as OSHA and ADA issues
- e. **Replacement/expansion needs**, including any plans to rehab, update or replace the facility, or obtain additional facilities
- f. **Other significant issues**, including proximity to other similar facilities of your municipality and neighboring localities, operating concerns such as high utility costs, etc.

4. **Equipment:** Prepare an inventory of all moveable equipment used by the department, such as trucks, plows, pavers, graders, etc. For each piece, include the following:
 - a. **Description**, such as type of vehicle, make, and size or capacity, as appropriate. Include information regarding special uses of the equipment, such as the need for smaller size to navigate congested streets or even sidewalks.
 - b. **Age**, including year of manufacture, and year purchased
 - c. **Utilization data**, such as miles driven in total and average per year or weeks in use
 - d. **Maintenance costs**, including repairs, supplies
 - e. **Replacement/acquisition needs**, including identified requirements and new purchases that may be planned within the next several years

5. **Maintenance shop:** Document if your department provides routine maintenance for its vehicles, and identify cost factors, including:
 - a. **Staff**, such as mechanics
 - b. **Supplies used**, including oil, grease, motor fuel
 - c. **Average number of services**, including routine/scheduled maintenance, and repairs

6. **Agreements with other departments:** Document your contracts or other arrangements with the NYS DOT and/or other local governments for certain highway maintenance activities. This includes arrangements where your department provides services or where other entities provide services to your locality. Also describe situations where conditions may warrant an agreement, for example, a snowplow from your department or another highway department “lifts the plow” while it traverses a road before it resumes plowing in its own jurisdiction. This type of situation is quite common and often presents the simplest opportunity for sharing services efficiently. If possible, you should determine what percentage of your snowplows’ usage is on roads where they are not actually plowing.

7. **Asset Management System:** Do you have any sort of system, automated or not, to help you manage your infrastructure, equipment, and facilities? These systems may include an inventory of assets, detailed maintenance schedules, replacement or lease expiration dates for equipment, etc. For a primer on asset management, see the U.S. Department of Transportation (US DOT) website at <http://www.fhwa.dot.gov/infrastructure/asstmgmt/assetman.htm>.

8. **Capital budget:** Conduct a frank assessment of your department’s multi-year capital plan:
 - a. How many years does it cover?

- b. Does it include adequate provision for street repaving, major repairs and replacements, equipment replacement, a reserve for emergency repairs, etc.?

9. **Human resources:** Prepare a schedule listing department staff patterns by position type (not the names of employees). For example, show the number of staff by category, including foreman, driver, engineer, dispatcher, etc. Also include information about work patterns and rules, including:

- a. Typical staffing patterns (1 or 2 persons per truck)
- b. Work assignments (snowplows, pothole repair, repaving, shoulder work, grass/brush cutting, traffic signal maintenance, etc.)
- c. Work schedules
- d. Salary scale
- e. Employee benefits
- f. Average overtime needed for each payroll period

It is important to note that these variables may be different across local governments. For example, the work schedule, salary scale, and benefits for the same position may be different from one municipality to the next, which may increase or decrease the cost of services under a shared services agreement for your local government. An agreement that includes merging staff from two municipalities would require, to a certain extent, efforts to harmonize differences in these variables.

10. **Indirect costs:** What other costs are involved in running your department? These may be visible charges to your department's budget (such as fringe benefits for employees) or costs incurred by other departments or the municipality as a whole but not charged, such as office space for the highway department in the town hall.

11.□ Other factors: Take note of any other relevant factors affecting your department. These may include insurance on vehicles, informal (“handshake”) arrangements with neighboring communities to exchange work or equipment, potential revenue generated from selling equipment and facilities, and so on.

Step Three: Identify and analyze potential areas for consolidation

Once you have accumulated the information items included in Step Two, you can begin identifying areas where you can improve the efficiency and productivity of your department through cooperative arrangements with other communities. Even if certain elements are not available (e.g., you cannot estimate some indirect costs), or are not applicable (e.g., you do not have a highway condition assessment or automated asset management system), these are important facts to know. For example, by consolidating services with another locality you may be able to implement an asset management system cooperatively.

Performing a thorough analysis will improve the likelihood that the goals you have in entering a service sharing arrangement will be realistic and your ability to evaluate the results of the arrangement (i.e., did it achieve your goals) will be strengthened.

Here is a list of areas where consolidation or sharing may make sense.

Sharing Equipment: Many local governments share equipment with either a neighboring community or another level of government. Sharing existing equipment, or jointly purchasing new equipment when you need to replace your own, presents several benefits and costs:

1. Savings on acquisition cost

Estimate savings from sharing purchase price with another municipality. Take total net savings and divide by expected useful life to determine annual savings.

2. Savings from special supplies _____

You may save on joint purchases of special supplies shared with another locality.

3. Savings from insurance _____

Premiums can be shared.

4. Revenue from sale of unneeded equipment _____

Some existing equipment may be sold as surplus. Take revenue from the sale and minus cost of outstanding debt on the equipment to determine net revenue.

5. Other savings/revenue _____

You may want to explore the possibility of renting rather than purchasing equipment. For more information on state approved contractors and rental rates for heavy equipment, see the NYS Office of General Services website at:

<http://www.ogs.state.ny.us/purchase/snt/awardnotes/7200702872can.htm>. For the NYS DOT hourly rental rate schedule for equipment used to control snow and ice on NYS highways, see:

<https://www.nysdot.gov/portal/page/portal/main/publications/publications-repository/equirates.pdf>.

Sharing Facilities: Local governments also may share facilities such as salt sheds, garages, fuel storage facilities, etc. with either a neighboring community or another level of government. As with equipment, sharing facilities presents several benefits and costs. It is especially prudent to consider sharing a facility when your locality needs to replace an existing facility or acquire one for the first time. One joint facility may well be smaller than two separate facilities and entail lower annual costs.

1. Savings on acquisition cost _____

Estimate savings from sharing the facility's construction/purchase price with another municipality. The net saving equals what you would have spent on your own facility, minus what you will spend on a shared one. Take total net savings and divide by the expected useful life to determine annual savings.

2. Building utility savings _____

These savings alone may be considerable.

3. Building maintenance savings _____

Smaller storage space should make it possible to reduce maintenance costs, including personnel, supplies and materials, etc.

4. Savings on insurance _____

One shared facility should make it possible to save on insurance.

5. Revenue from selling existing facility _____

If one locality has a facility that will no longer be needed, perhaps that facility can be sold. Proceeds (minus outstanding debt on the facility) should be included in the list of "savings" and either shared or netted against other costs.

6. Revenue from property taxes _____

If your locality can sell an unneeded building and its land, this will go on the tax rolls yielding annual revenue. Include continuing revenue from private land that will not be purchased if you share a facility.

7. Other savings/revenue _____

Sharing Highway Services: You should identify services where combining them with another local unit may be economically beneficial. Identify examples of services that are most easily combined because they are similar between or among neighboring governments. The most straightforward way of achieving this consolidation is for one community to contract with another to provide the service. Town A could contract with Town B or the county to plow streets in winter, or mow grass in summer.

In evaluating the potential costs and benefits of merging services, you should conduct a frank appraisal of your department's needs and capabilities. For example, if a particular activity is not being done well now, or there is a need to expand or enhance the service, it may be a good candidate to consolidate. Here are some basic factors to consider:

1. Personnel savings _____

You may be able to avoid hiring staff for your department, or not fill open jobs.

2. Fringe benefit savings _____

3. Savings on equipment and supplies _____

See the above sections for suggestions.

4. Cost sharing _____

It is imperative that the parties work out a reasonable and fair system to allocate and share costs. For example, if Town A provides a service to Town B, Town A's costs for the service could be apportioned on the basis of time spent doing the activity in each town, or miles of highway maintained in each town as a percentage to the combined mileage, or actual units of work (such as the number of storm drains cleaned in each town).

5. New Revenue _____

You should consider potential revenue generated from providing services outside your jurisdiction. For example, it may make sense for you to contract with a neighboring community or another level of government to provide snowplowing services if the snowplows from your department routinely travel highways under the jurisdiction of a neighboring community or another level of government with their plows up. The revenue generated from this contract would offset your current operating costs.

The projected savings less the estimated cost of the shared service yields the estimated net benefit to each jurisdiction.

Sharing Administrative Services: You should identify administrative functions where combining them with another department within your locality or another local government would reduce administrative costs, generate revenue, or increase the quality and level of customer service. Consider all of the administrative functions currently performed by staff

including customer service, payroll, etc., as well as your department's information technology resources and needs.

The basic factors to consider are somewhat similar to those listed previously for sharing highway services:

1. **Personnel savings** _____
2. **Fringe benefit savings** _____
3. **Savings on equipment (including information technology) and supplies** _____
4. **Cost sharing** _____
5. **New Revenue** _____

Cost Per Mile Analysis

When considering broad-based sharing agreements, such as those that would merge two highway departments or significant portions of two departments, you should consider comparing the cost per mile of providing highway services as you currently operate (current annual expenditures for highway services divided by number of miles of road) with the projected cost of services under a shared agreement (projected annual expenditures for highway services, taking into consideration savings/costs from the agreement under consideration, divided by the number of miles of road).

Include the cost factors in major categories such as labor, equipment, and supplies. Try to isolate any unusual factors that might have inflated or even deflated this figure. Also, break down the labor costs, at minimum, to the extent possible, by:

- a. Winter vs. summer season; and
- b. Functional area (e.g., snow plowing, road construction, road paving, road repairs, etc.)

If data on your government's total expenditures for highways services for a recent fiscal year is not readily available, you may want to consider using data on total transportation expenditures from the NYS Office of the State Comptroller's (NYS OSC) website at http://www.osc.state.ny.us/localgov/datanstat/finddata/index_choice.htm. Note that the transportation data provided by NYS OSC includes spending for mass transit and other services that are not related to maintaining and repairing roads and bridges. As a result, using this data will exaggerate costs per mile for those localities with significant transportation expenditures other than highway services' spending.

Other Resources

As you think about the costs and benefits of entering into a shared agreement with a neighboring community, do not miss out on the opportunity to draw upon the experiences

of other local governments within New York State. You may be able to connect with local officials who have considered or implemented a shared agreement by contacting statewide organizations such as the New York State County Highway Superintendents Association (<http://www.countyhwys.org/>, (518) 465-1694) and the New York State Association of Town Superintendents of Highways (<http://www.nystownhwys.org/index.asp>, (518) 694-9313).

Two initiatives that may be able to provide information, feedback, or technical assistance include Cornell University's Local Roads Program (<http://www.clrp.cornell.edu/>, (607) 255-8033) and the Shared Municipal Services Technical Assistance Project at Albany Law School's Government Law Center (<http://www.dos.state.ny.us/lgss/smsi/smsi-ta.html>).

**Addendum to Costing Template for Highway Services–
Step Two: Comprehensive Inventory of Services and Costs**

This template follows Step Two of *Sharing Municipal Highway Services: A Preliminary Checklist of Considerations* and is designed to help you complete an inventory of the highway services that you provide and to estimate their costs. More detailed descriptions of the information to include in this template can be found in the Checklist.

HIGHWAY AND BRIDGE INVENTORY									
a. Highways: List segments currently located and planned in your locality with responsible level of government and condition assessment									
TOTAL MILES BY RESPONSIBLE GOVERNMENT									
	Roadway	State	County	Town	Village	City	Condition	Assessment	Date of Assessment
1									
2									
3									
4									
5									
b. Bridges: List segments currently located and planned in your locality with responsible level of government and condition assessment									
TOTAL MILES BY RESPONSIBLE GOVERNMENT									
	Roadway	State	County	Town	Village	City	Condition	Assessment	Date of Assessment
1									
2									
3									
4									
5									

CAPITAL FACILITIES					
List all buildings, garages, salt sheds, and other structures under the responsibility of the department					
	Building Description	Location	Size & Capacity	Age/ Condition	Replacement/ Expansion Needs

1					
2					
3					
4					
5					



EQUIPMENT

List all moveable equipment such as trucks, plows, pavers, graders, etc.

	Equipment/ Description	Age	Utilization Data	Maintenance Costs	Replacement/ Acquisition
1					
2					
3					
4					
5					
6					
7					

AGREEMENTS WITH OTHER DEPARTMENTS

List current and potential arrangements to provide or receive highway services

	Agreement (Party & Dates)	Existing/ Potential Services	Annual Value
1			
2			
3			
4			
5			
6			
7			



ASSET MANAGEMENT SYSTEM AND CAPITAL PLAN

a. *Asset Management System*

Do you have an automated asset management system?
 Does it include data on your infrastructure?
 Does it include data on your equipment?
 Does it include data on your facilities?

b. *Capital Plan (Budget)*

How many years does your capital plan cover?
 Does it include adequate provision for street paving, major repairs and replacements?

HUMAN RESOURCES

Prepare a schedule of staff patterns by work assignment

	Work Assignment	# and type of staff	Work Schedule	Salary Scale/ Benefits	Average Overtime Payroll
1					
2					
3					
4					
5					
6					
7					

INDIRECT COSTS AND OTHER FACTORS

a. *Indirect Costs*

What other costs are involved in running your department?
 Are there visible charges (e.g., fringe benefits) not yet included?
 Are there costs incurred by other departments such as uncharged office space?

b. *Other Factors*

Are there other factors that affect your department's budget?
 For example, do you have handshake agreements that either save or cost you?
 Do you expect potential revenue from selling equipment or facilities?

APPENDIX F: Keys to Success – Pitfalls to Avoid

In addition to the case studies conducted for the technical assistance project, the GLC also contracted with Dr. Gerald Benjamin, Dean of the College of Liberal Arts and Sciences at SUNY New Paltz, to review the full collection of case studies and cull out the common threads of successful sharing of services and the pitfalls to avoid. Dr. Benjamin's findings are presented below.

Intergovernmental Collaboration in Context - Lessons From a Reading of Twelve Case Studies -

By Gerald Benjamin

The very energetic, first-term town supervisor of the Town of Rhinebeck, one of our case study communities, came in to see me in my office at the university some weeks ago about some plans he had for joining his community in collaborative activities with the Village of Rhinebeck and the Rhinebeck School District. Steve Block has a doctorate in education. He worked for decades in education administration in another state, he told me, and in his former job he was easily able to find the precise information he needed and clear implementation guidelines for actions he wished to take. Not so for local government reform in New York, he said. He had found state agency publications, but still felt that he was reinventing the wheel. I was "the guy to see about local government," he was told. (I demurred; "a guy to see," I said.) "Where should I look?," he asked for practical advice about achieving change.

The Regionalism Movement and the New York Context

The need Supervisor Block felt is instructive. The renewed attention to local government reform in New York State is part of a national "New Regionalism" movement, launched by David Rusk's seminal book on *Cities Without Suburbs* (Baltimore: Johns Hopkins, 1993) and now almost a decade and a half old. The movement is driven by two major forces. One is economic: the desire to achieve greater efficiency and effectiveness in government, and regional economic competitiveness, in the face of rising costs, and especially increased property taxes. The second is social: the desire to mitigate or remove the discriminatory effects, especially in education and housing, that result purposefully or by inadvertence from current governmental boundaries.

The regionalism movement has resulted in both a national debate, and a national literature of reform. (For one summary with an applied focus see Mandelker, et al. "Alternate Models for Local Government" *State and Local Government in a Federal System*, 6th. Ed. [Newark: Lexis Nexus, 2006] Chapter 4). The debate centers less on the desirability of regional reform, than on how to achieve it in a suburban and rural social, political and governmental environment in which a genuine and valuable loyalty to the idea of community is deep, and localism — characterized as "home rule"—is

often entrenched in state constitutions and statutes. (For a general discussion See Gerald Benjamin and Richard Nathan. *Regionalism and Realism* [Washington D.C.: Brookings, 2001] Chapter 2.).

Local government in New York, among those states with a great array of governmental types, high numbers of local governments and extensive jurisdictional overlapping, has been a central focus of the regionalism debate. Within our state, the governance of the nation's first consolidated metropolis, New York City, presents unique questions. Discourse about reform within the state has centered on governance in our state's other major cities and their surrounding suburbs and in our rural areas. For these areas, there is no shortage of writing on local government and local government reform in New York, much of it very practically focused, originating in state agencies, associations of local governments, university-based research centers, independent think tanks and local or regional reform-oriented coalitions. (Many of which are represented on the advisory board of the SMSI project, with their materials made available through the Albany Law School.) Apart from those done by state government, most studies are regionally focused. David Rusk himself has offered his prescriptions directly targeted on a number of specific New York regions.

<http://www.gamaliel.org/DavidRusk/DavidRuskLibrary.htm>. A particularly valuable recent general exploration of issues and needs in local governance in New York State has been prepared by the Intergovernmental Studies Program of the Rockefeller College at SUNY Albany. (*Government, Business, and Civic Leaders Talk About...Governing New York's Communities* [2005] and *Municipal Leaders Talk About...Governing New York's Communities* [2007].)

In particular, Supervisor Block was right that there was a good deal of published guidance available from the state government. The Division of Local Government Services and Economic Development in the Comptroller's office has available a guide to *Intermunicipal Cooperation and Consolidation* and regularly publishes analytic studies centered on local government issues and concerns.

<http://www.osc.state.ny.us/localgov/index.htm>. That office's recently-published report on *Outdated Municipal Structures*, a part of the Local Government Issues in Focus series (Volume 2, No. 3, October 2006) is especially valuable for a proposed redefinition of the state's governing paradigm at the local level. The Division of Local Government in the Secretary of State's Office, which of course manages the SMSI, provides the well-known *Handbook of Local Government* and a range of other publications that support local governments working together.

<http://www.dos.state.ny.us/lgss/index.htm>. In 2005 the Attorney General produced *Making Government Work*, a compendium summary of the law on local government cooperation and consolidation. Often these agencies have gone beyond published advice, and offered expertise, analysis and training in support of reform efforts.

New York is among the states with highly decentralized service delivery systems; most key services are delivered to citizens through local governments. For example, providing elementary and secondary education is the constitutional requirement upon state government, but is achieved almost entirely through local school districts. (New York State Constitution, Article XI). The State Education Department therefore has been

very interested and involved in structural and organization issues at the local level. The work of the Office of Real Property Tax Services <http://www.orps.state.ny.us/>, to cite another example, is almost entirely focused on local government, often with an important objective the encouragement of greater efficiency in local operations. In fact, it is the rare state agency that has no involvement with localities, and no involvement in the organization and functioning of local government. This reality suggest that direct efforts to encourage greater intergovernmental collaboration by localities be undertaken with an eye toward potential sources of reinforcement from the range of state agencies working with and through local government.

On the legislative side of state government, there has been a long-time commitment to local government reform by the New York State Commission on State-Local Relations, the Assembly and Senate Committees on Local Governments, and Joint Legislative Committee on Rural Resources. The Commission and Assembly Committee produce the valuable *Catalog of State and Federal Programs Aiding New York's Local Governments* (Most recent edition: 2005). Particular leadership has recently come from the Senate's Local Government Committee. (See *Sharing Services and Saving Tax Dollars: A Senate Report on Intermunicipal Agreements*, December, 2005)

Yet despite all these state level efforts, reform and restructuring of local government has, at best, been slow. Steve Block's felt need resonates. What else do we need to know about the process and politics of reform to achieve greater success?

The Shared Municipal Services Incentive Program

Under the Shared Municipal Services Incentive Program (SMSI) the state has gone beyond providing advice. In 2005-2006 \$2.45 million in grant money was competitively awarded to twenty-two pairs or groups of cities, towns, villages, counties and school districts that sought to improve their efficiency through cooperation, consolidation or dissolution or merger. For the following year, with \$25 million appropriated, eligibility was extended to include special improvement districts, fire districts, fire alarm districts and fire protection districts, and the program was sharpened. Five categories of awards specified: 1) Shared Municipal Services; 2) Shared Highway Services 3) Local Health Insurance Shared Services; 4) Countywide Shared Services; and, 5) Local Consolidations. There were 244 applications submitted, requesting over \$52.3 million; 45 Shared Municipal Services awards and 14 Shared Highway Service awards were made.

Concomitantly, the Government Law Center of the Albany Law School was contracted by the Department of State. The expanded SMSI program also provided for a new partnership between the Department of State to help answer draw out answers from past ongoing efforts at consolidation and collaboration, both successful and not, to support further success across the state. The Center selected a number of cases for study based upon consultation with the Comptroller's office, a review of the literature in the field and consideration of cases funded in the first cycle, so as to provide guidance

across a broad range of governmental functions and types of cooperative approaches. In selecting the cases the Center considered such factors as the number and types of communities involved; The nature of the service (e.g., highway, police); the availability of the people involved; and proximity to an associated academic institution to perform the study. A systematic effort was made to assure that those who prepared case studies gathered information that would be useful for comparative analysis.

We seek below to draw some general lessons from these twelve selected cases, to inform both localities interested in working with each other and state agencies that seek to further collaborative efforts. In doing this it is important to remain mindful of certain limitations. The number of cases under study is very small relative to the number of collaborations that we know occur between or among New York local governments. Moreover, these cases were not selected in a manner that assures that they are representative of collaborative efforts by local governments generally across the state. Also, there may be significant differences in actions taken by localities when a substantial incentive is offered, as is the case for the SMSI program and in the absence of such an incentive. The summary points below then, must not be taken as conclusory but as tentative: they are suggestions for consideration as collaborations are considered and policy is made, and guides for future study.

Definition of the Problem

The Property Tax. The underlying problem in all cases is the need to deliver governmental services on a limited revenue base, largely reliant on the property tax. Though they vary greatly across the state, real property taxes are generally regarded as burdensome throughout New York (with the possible exception of for private residences inside New York City.) Avoidance or limitation of increases in real property taxes while maintaining service levels is therefore a primary goal for most elected local government officials in the state. This provides a persistent motivation for seeking to reduce costs, or displace them on others (e.g. seeking state grants for infrastructure improvement).

External Factors: Growth, Grantor Conditions, Mandates. Growth pressures may produce a requirement for new infrastructure, or enhanced service levels (Indian River School District and Town of Philadelphia). Considering or implementing intergovernmental collaboration may be a contingent requirement for obtaining external support to respond to a pressing local need. (Morrison) Alternatively external mandates might be imposing costs, or anticipated costs that it appears might best be minimized through collaborative action. (Long Island Sound Intermunicipal Watershed Council).

Informed Local Opinion. In some cases (Chemung County, Broome County, Rhinebeck, Portland/Brockton) governmental leaders conversant with the regionalism movement, or with experience in business or in the public sector outside the state, find the local government layering prevalent in New York to be contrary to common sense, and presume that it is a source of increased overhead costs that might be avoided through collaboration or consolidation. This view is reinforced by the creation of state programs, like the SMSI, that encourage consolidation and/or collaboration.

Positive Past Experience in the Face of Crisis. Previous successful efforts at consolidation or collaboration, sometimes motivated by a local economic crisis, might suggest the value of considering additional steps (Moriah and Port Henry).

Very Specifically Local Conditions. Even in areas of local service where collaboration or consolidation is traditionally difficult, specific local circumstances might enhance its prospects. (For example, the close geographic proximity of town offices appears to have been a significant factor in achieving justice court consolidation in Shelby/Ridgeway).

The Process

Local Leadership. In all cases under consideration, and as might be expected, problems in operating the government were at first defined elected officials. For them that the omnipresent concern about the property tax was a clear driver in seeking cost reduction or displacement. Leadership for collaboration in general purpose governments must come from elected officials in all the jurisdictions involved, usually mayors or town supervisors, or in special purpose governments from well situated appointed leaders with special legitimacy in the community (e.g. a school superintendent, or key county department head) The passive posture of the Sheriff in Saratoga County—an elected official who might well have been put off by the aroused opposition in Waterford to contracting with him for police services—was not helpful toward achieving this change.

Linkage of Action to the Problem. But the actions proposed to provide relief did not directly address taxation; they were not tax cuts, nor were they changes in assessment practices. Moreover the specific proposals in these cases (with the possible exception of the Indian River/Philadelphia case) were only tangentially responsive a focused demand or broadly understood need for change in the community.

Be Ready for the "Solution Without a Problem" Argument. This created the prospect, especially where change was proposed in areas of service directly delivered and consumed individually by citizens (e.g. police protection in Waterford) and in which, therefore, mobilization against the proposed reform was likely, that one argument made would be that governmental leaders were presenting a solution where there was no a problem. Moreover, it invited an arguments that the economies achieved were overestimated, or that they would come at an unacceptable cost in the extent and quality of service provided in the community.

Encouraging Engagement. This points to the essentiality of engaging the community, and creating a dynamic through which the need for change ideas is embraced by and ideas for change are rooted in the community or communities considering collaboration or consolidation. The Rhinebeck case demonstrated a very thoughtful, developed effort at community engagement.

Preparation and Commitment Over Time. In this context the successful creation of the Municipal Highway Services Board in Chemung County is instructive. Under the leadership of a well established County Executive who was deeply committed to regionalism, a countywide intermunicipal council had been established, and a number of initiatives to share services were considered, or actually launched. When vacancies arose as a result of a retirement in critical jobs in the county highway department, including that of a department head who served as a barrier to change, the necessary "nemowashi" ("root binding," the Japanese idiom for widespread preparatory consultation) had already occurred.

Create a Venue Where Collaboration is the Core Focus: The lesson of the Chemung experience is that communities that might wish to collaborate are well advised to create a structure for consultation even if the likelihood of particular action is not immediate. In this way, a venue is available, and the groundwork is laid when the opportunity arises. Another example: the recently adopted Ulster County Charter mandates the creation and regular convening of a county-wide Intergovernmental Collaboration Council

Experts. Third-party experts are important in pursuing intergovernmental collaboration. Using them avoids the actual, perceived or potential conflict in roles that arise from the involvement of experts employed in state agencies seeking to encourage reform. In a number of the cases of the review, universities, think tanks or private consultants were dispassionate sources of information, analysis and options. In performing this function they disarmed the argument that one or another of the officials involved in seeking change is pursuing a personal agenda (or vendetta). Think tanks. Universities.

The Broome County experience shows differences on the facts can stop a collaborative effort in its tracks. Just how many people will retire, and when? Just how much money will be saved, and over how much time? A key potential role of the outsider in collaboration and or consolidation efforts, and one that have been less specified, is as a neutral stipulator of the facts. The analogy is a written agreement or concession made by parties in a judicial proceeding (or by their attorneys) relating to business before the court that is made part of the court record.

But in using consultants, it is important to insist on their reporting in a manner that is not preemptive of local decision. As the Arkport CSD/Village of Arkville/Town of Hornellsville case shows, if the third party recommends a preferred course of action but an alternative is taken, even for good reason, opponents may be benefited.

It's About Collaboration, Not Control. Larger jurisdictions have the resources to lead. The Arkville and Indian River School Districts were far bigger in size budget and staff than the localities with which they sought to collaborate. But disparities in size and capacity may raise fears about being subordinated. As a result of its preparatory process the Chemung County government was very mindful that successful collaboration could only result if the process was neither actually nor apparently controlled by the county. And most significantly, it was willing—as an act of enlightened self interest—to spend its

own resources to help create and launch a collaborative structure and process for highway maintenance.

Failure to Prepare and to Consult is Fatal. The need for such preparation, and buy-in, however, may be a barrier to exploiting opportunities quickly when they arise. In North Alba/Lake Placid, a vacancy arose as a result of retirement at the head of the Village Highway Department. This presented an opportunity to make the elected town highway superintendent the appointed head of the village department, as well. The village, an internationally known resort area with a budget much larger than the town's, took this step without consulting the town board (a self-inflicted wound).

Make Time Your Friend. Failed attempts to act fast, with limited preparation, assume that time is an enemy: if you don't act fast, you will be unable to act at all. Instead, reformers must make time their friend. Use time to prepare. Plan for change over time. Mitigate potential opposition to change from those most affected—for example, public employees, or incumbent elected department heads or officials in jobs targeted for elimination or combination—by using attrition rather than firing to reach goals.

Actions Speak: Formal Involvement of the Entire Governing Body is Symbolically Important. Change advanced by the most visible officials in local government (e.g. the mayor, the supervisor, the superintendent of schools) is bolstered when formal action by governing boards legitimizes the change process. The Rhinebeck initiative, launched with particular leadership from the town supervisor, was formally embraced in resolutions passed by the three local governing bodies. This told the community that, notwithstanding past differences or difficulties, leaders of all the involved parties agreed in principle on the importance of collaboration.

There Are Natural Constituencies for Change: External Support Also Legitimizes. Collaboration is further legitimized through expressions of support by key players in the community. Chambers of Commerce and local media, for example, are usually enthusiasts of consolidation or collaboration because of what they regard as its self-evident economic logic. There is no instance reported in the cases under review of media opposition to the consideration of consolidation or collaboration.

Be Aware of and Call upon Other Potential Beneficiaries for Support. The positive effects of a collaborative effort may reach far beyond the jurisdictions actually entering into formal agreement. For example, regional offices of state agencies and departments of the Jefferson County government stood to benefit significantly from the results of the proposed collaboration between the Indian River Consolidated School District and the Town of Philadelphia to build a new garage.

Pick the Low Hanging Fruit. Again in Rhinebeck, a small but symbolically important agreement on facilities sharing between the town and the school district laid the groundwork for further steps. In the Portland/Brocton case the merger of the dog

control function, when the opportunity arose, provided a chance for taking a collaborative step with relatively little controversy.

Get Started: Avoid Veto Situations. Requiring all potential partners to sign on before collaboration begins gives any single municipality a veto. If the most committed jurisdictions get started, others may join later. As we will see below, two party agreements are most common; multiparty actions are most difficult. The creation of the Hudson River Valley Greenway, one of the most successful intergovernmental collaborative activities in the state, did not require that all potential entities sign on before the project got under way. Initial successes attracted others. The Indian River School District /Philadelphia Town collaborative effort was not blocked when the Village of Philadelphia withdrew. The Chemung County highway collaboration went forward with only four of the county's towns signed on. The county government's failure to participate did not block the effort at city/town/village collaboration to create a storm water district in Westchester.

Barriers and Overcoming Them

Behave Ethically: The Arkport CSD/ Village of Arkville/Town of Hornellsville reminds us of the obvious: self-interested behavior by decision makers, or even its appearance, will likely sink collaborative efforts.

"I Am From the State and I Am Here to Help": State agencies encouraging cooperation and consolidation are headed by appointees of the governor, or statewide elected officials. Partisan differences between them and the local officials between or among whom they seek to encourage collaborative efforts may raise barriers. Moreover, state agencies often have conflicting roles. The State Comptroller, for example, seeks to encourage intergovernmental consolidation and collaboration but also oversees and regulates local operations. Portland/Brocton reported calling upon advice formally made available from the Comptroller's office. But Moriah/Pt. Henry reported unhappiness about the Comptroller's insistence that their collaboration be formal rather than informal.

Another Example: As earlier noted, The State Attorney General formally encourages consolidation. Yet in the Lake Placid/North Elba Case, the Attorney General's office was approached for an advisory opinion, and found that simultaneous service by one person in these two offices – one appointed, one elected -- was not permissible. This suggests need for change in state law, or a different opinion from a new Attorney General.

Referendum Requirements in State Constitution or Law: State law requires a referendum to shift an office from elective to appointed. Further scotching the collaborate initiative in Lake Placid/North Elba, the town declined in a referendum to take this step for its Highway Superintendency.

Non-Coterminality of Local Boundaries: School district boundaries are not coterminous with those of general purpose. Village boundaries may cross county or

town lines. In one of cases under consideration, the Arkport Central School District is in two counties, includes part but not all of the Town of Hornellsville and all or part of --- other towns. Collaboration with a few municipalities within a school district might be seen as undertaken without benefiting other parts of the district, but calling upon them to share costs.

Those Potentially Disadvantaged Will Resist: In the cases under study the most vigorous resistance came from leaders and employees who feared the loss of their jobs—and organizations that represented them (e.g. employee unions). This opposition must be anticipated, and a plan developed to address concerns and minimize the often short-term costs of change to achieve the longer-term benefits. (See the above discussion of *Make Time Your Friend*.) In particular, remember that local employees find protections in Civil Service law and collective bargaining agreements.

Local History and Experience Counts Heavily: Proposals for collaboration or consolidation occur in historic context; they do not arise in a vacuum. Many local leaders are long serving, and/from families that have been in their communities for generations. They know local history; many have made it. Moreover, local experience is the experience most important to them. For example, local leaders still active remember previous attempts to dissolve villages in Rhinebeck, Brocton and Lake Placid, and the effort made to fight this off.

Respect the Community and the Idea of Community: Moreover, as the Moriah/Port Henry Fire District consolidation case shows, governance structures whose overt purpose is to deliver public service also may be at the center of the social and cultural life of a place, at the core for many of its very identity as a community. Faced with the economy/community tradeoff, people will rarely opt for the former over the latter. That is why proponents for change are wise to clearly distinguish an idea of collaborating on delivery of a service or consolidating a single function from a threat to the continued existence of a general purpose government or school district, and—most often—to disavow the later.

What size and types of governments are involved in actual or proposed collaborations?

Collaborations reported in the case studies involved all types of general purpose governments in New York State—counties, cities, towns and villages – and two types of special purpose governments—school districts and special districts. Most jurisdictions were rural villages or towns that numbered their residents in the thousands rather than the tens of thousands, though the multi-jurisdictional attempt to consolidate police services in Broome County focused on its "urban core," and most of the twelve entities involved in creating the Long Island Sound Intermunicipal Watershed Council—the only downstate case in this sample—are decidedly urban and/or suburban. Governments whose activities are reported in the case studies range in size of population served from 200,635 in Saratoga County to 456 (Village of Morristown). (The Village of Millport with

300 residents is a potential participant in the county-wide highway initiative in Chemung County.) Broome county spent about \$310 million in 2005; the Morristown (village) budget was a \$661,621.

What is the substantive focus of collaboration?

Previous research has shown that collaborations are most successfully for services consumed collectively (e.g. parks), or accessed impersonally without direct citizen contact with a government worker (e.g. highway maintenance), or those for which the government itself is the customer (e.g. equipment maintenance, specialized infrastructure). They are less frequently successfully launched for services that are directly delivered to citizens and consumed individually (e.g. police protection, education). Of the twelve cases under review, five involve shared attempts to create new infrastructure through capital investment, two concern the delivery of police services, two involve direct delivery of other services to citizens (fire protection, courts), two focus upon highway operations and management, and one involves facilities use sharing. In sum, one-third of the cases reported are in the more challenging areas for collaborative action by local government. Interestingly, all three cases in which school districts figure involve a support service – transportation, and not the direct delivery of education to children.

How many governments are involved, and how are they situated relative to each other?

Previous research in the downstate New York metropolitan area showed that most reported collaborations were between just two municipalities, with the difficulty of mounting intergovernmental collaborative efforts growing as the number of involved governments increased. Moreover, reported collaborations was most common where governments were layered (or nested) geographically, that is, where some of the people served by the jurisdictions seeking to collaborate were citizens (and could vote) in two or more of them. These points are confirmed from secondary assessment done for this report of close to two hundred intergovernmental collaborations in western New York reported on the website of the Regional Institute of the University of Buffalo. <http://www.regional-institute.buffalo.edu/>.

Two Layered Governments: Generally bearing out these findings, most of the cases under review were bilateral, and involved layered jurisdictions. Six involved actual or proposed collaboration between two jurisdictions, five of which were nested. These were most often towns and villages but one, concerning consolidating police services involved the County of Saratoga and the Town of Waterford, and another, on building a new garage, was between the Indian River School District and the Town of Philadelphia. (Other jurisdictions were named in the report of this proposed collaboration as potential beneficiaries, but were not actual parties to the agreement.) The Indian River School District/ Town of Philadelphia effort was the clearest success among these two party collaborative efforts. The Town of Portland and Village of

Brocton has reported some very limited success. The Waterford/Saratoga and North Elba/Lake Placid effort to consolidate highway departments did not succeed.

Two Side-by-Side Governments: Two bilateral attempts at collaboration involved side-by-side jurisdictions. The towns of Shelby and Ridgway successfully consolidated their justice courts. However, the proposed consolidation of the Moriah and Port Henry Fire Districts did not succeed.

Three Layered Governments: Another three proposed collaborations involved three nested jurisdictions: Rhinebeck's Town, Village and School District; the Town, Village and School District or Morrison; and the Arkport Central School District, the Village Arkville and the Town of Hornellsville. The first involved building or rebuilding intergovernmental relationships in the context of contentious, failed earlier efforts, and reframing the context for collective action achieved some small facilities sharing. The second, involving cooperation on maintenance and use of vehicles, was reported forestalled by delays in the state grant process. The third, which advanced the idea of collaborative construction and use of a new bus garage, failed at referendum.

Multiple Governments: The Broome County Metropolitan Police plan potentially involved six jurisdictions: the county itself and five "urban core" side-by-side localities nested within it: the City of Binghamton, the Villages of Johnson City and Endicott (both in the town of Union), the Village of Port Dickinson (Town of Dickinson) and the Town of Vestal. The twelve members of the Long Island Sound Watershed Intermunicipal Council (LISWIC), the objective of which is to establish a regional special Storm Water District, include the cities of Mt. Vernon, New Rochelle, and Rye, the combined town/villages of Scarsdale and Harrison, the town of Mamaroneck, and the villages of Larchmont (Town of Mamaroneck), Mamaroneck (the Towns of Mamaroneck and Rye), Pelham and Pelham Manor (both in the Town of Pelham) and Port Chester and Rye Brook (both in the Town of Rye). This later collaboration does not include the government in Westchester, the county in which all the municipalities in the LISWIC are located. Both of these multi-jurisdictional collaborations do not include all towns in which included Villages are located. Neither effort has gone beyond the planning stage.

The effort in Chemung County to create a countywide Municipal Highway Services Board to appoint and oversee the work of a Shared Services Public Works Coordinator in encouraging intermunicipal collaboration in this area of service was the most innovative and ambitious effort reported in the case studies. An initiative of the county government, it has the potential for inclusion of all the general purpose governments in the county, but did not depend upon all of them signing on to get started. In addition to the county government, four towns and one village chose to include themselves in this effort from the outset: the towns of Horseheads, Big Flats, Elmira and Southport and the Village of Horseheads.