

STATE OF NEW YORK

8501

2009-2010 Regular Sessions

IN ASSEMBLY

May 21, 2009

Introduced by M. of A. SILVER, KOLB, FARRELL, HOYT, SWEENEY, CAHILL, GALEF, HAYES, BARCLAY -- Multi-Sponsored by -- M. of A. AMEDORE, AUBRY, BENJAMIN, BUTLER, CHRISTENSEN, CLARK, COLTON, CONTE, COOK, CORWIN, CROUCH, DelMONTE, DESTITO, DUPREY, EDDINGTON, FINCH, FITZPATRICK, GIGLIO, HYER-SPENCER, JORDAN, LAVINE, LUPARDO, MAGNARELLI, MOLINARO, MORELLE, OAKS, O'MARA, RABBITT, RAMOS, SCHROEDER, SKARTADOS, SPANO, STIRPE, THIELE, TITONE, TOBACCO -- (at request of the Department of Law) -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, the municipal home rule law, the town law, the village law and the local finance law, in relation to the requirements for consolidating or dissolving certain local government entities, and to repeal certain provisions of the town law and the village law relating thereto

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Short Title. The act shall be known and may be cited as the
2 "New N.Y. Government Reorganization and Citizen Empowerment Act".

3 § 2. The general municipal law is amended by adding a new article 17-A
4 to read as follows:

5 ARTICLE 17-A

6 CONSOLIDATION AND DISSOLUTION OF LOCAL GOVERNMENT

7 Title 1. Definitions (§ 750)

8 2. Consolidation of local government entities (§§ 751-772)

9 3. Dissolution of local government entities (§§ 773-790)

10 4. Miscellaneous provisions (§§ 791-793)

11 TITLE 1

12 DEFINITIONS

13 Section 750. Definitions.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets
[-] is old law to be omitted.

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A. 8501

2

1 § 750. Definitions. As used in this article, the following terms
2 shall have the following meanings:

3 1. "Component local government entity" shall mean a local government
4 entity that, as a result of successful consolidation proceedings, is
5 combined into a consolidated local government entity.

6 2. "Consolidation" shall mean either (a) the combination of two or
7 more local government entities resulting in the termination of the
8 existence of each of the entities to be consolidated and the creation of
9 a new entity which assumes jurisdiction over all of the terminated enti-
10 ties, or (b) the combination of two or more local government entities
11 resulting in the termination of the existence of all but one of the
12 entities which shall absorb the terminated entity or entities.

13 3. "Consolidated local government entity" shall mean a local govern-
14 ment entity resulting from successful consolidation proceedings
15 conducted pursuant to this article.

16 4. "Contiguous" shall mean when a portion of a town or village abuts
17 the boundary of another town or village, including a town or village
18 separated from the exact boundary of another town or village by a
19 street, road, railroad, highway, river or other natural or artificial
20 stream or body of water.

21 5. "Dissolution" shall mean the termination of the existence of a
22 local government entity.

23 6. "Dissolution plan" shall mean a written document that contains
24 terms and information regarding the dissolution of a local government
25 entity and that has been finalized and approved by such entity's govern-
26 ing body pursuant to this article.

27 7. "Elector" shall mean a registered voter of this state registered to
28 vote in the local government entity subject to consolidation or dissol-
29 ution proceedings conducted pursuant to this article.

30 8. "Elector initiated consolidation plan" shall mean a written docu-
31 ment that contains terms and information regarding the consolidation of
32 two or more local government entities, a majority of whose electors have
33 voted to consolidate, and that has been finalized and approved by the
34 governing body or bodies of such entities or a judicial hearing officer
35 pursuant to this article.

36 9. "Elector initiated dissolution plan" shall mean a written document
37 that contains terms and information regarding the dissolution of a local
38 government entity, a majority of whose electors have voted to dissolve,
39 that has been finalized and approved by such entity's governing body or
40 a judicial hearing officer pursuant to this article.

41 10. "Governing body" shall mean the body in which the general legisla-
42 tive, governmental and/or public powers of a local government entity are
43 vested and by authority of which the official business of such entity is
44 conducted.

45 11. "Initiative" shall mean the filing of the petition containing a
46 proposal for a referendum to be placed on the ballot for an election.

47 12. "Joint consolidation agreement" shall mean a written document that
48 contains terms and information regarding the consolidation of two or
49 more local government entities and that has been finalized and approved
50 by the governing body or bodies of such entities pursuant to this arti-
51 cle.

52 13. "Local government entity" or "entity" shall mean a town, village,
53 district, special improvement district or other improvement district,
54 including, but not limited to, special districts created pursuant to
55 articles eleven, twelve, twelve-A or thirteen of the town law, library
56 districts, and other districts created by law; provided, however, that a

A. 8501

3

1 local government entity shall not include school districts, city
2 districts or special purpose districts created by counties under county
3 law.

4 14. "Proposed dissolution plan" shall mean a written document that
5 contains terms and information regarding the dissolution of a local
6 government entity, and that has been proposed, but not yet finalized and
7 approved, by such entity's governing body pursuant to this article.

8 15. "Proposed elector initiated consolidation plan" shall mean a writ-
9 ten document that contains terms and information regarding the consol-
10 idation of two or more local government entities, a majority of whose
11 respective electors have voted to consolidate such entities, that has
12 been proposed, but not yet finalized and approved, by the governing body
13 or bodies of such entities pursuant to this article.

14 16. "Proposed elector initiated dissolution plan" shall mean a written
15 document that contains terms and information regarding the dissolution
16 of a local government entity, a majority of whose electors have voted to
17 dissolve such entity, and that has been proposed, but not yet finalized
18 and approved, by such entity's governing body pursuant to this article.

19 17. "Proposed joint consolidation agreement" shall mean a written
20 document that contains terms and information regarding the consolidation
21 of two or more local government entities and that has been proposed, but
22 not yet finalized and approved, by such entities' governing body or
23 bodies pursuant to this article.

24 18. "Referendum" shall mean a vote seeking approval by a majority of
25 electors of a local government entity or entities voting on a question
26 of consolidation or dissolution placed on the ballot by initiative.

27 TITLE 2

28 CONSOLIDATION OF LOCAL GOVERNMENT ENTITIES

29 Section 751. Commencing the proceeding.

30 752. Proposed joint consolidation agreement.

31 753. Publication of proposed joint consolidation agreement.

32 754. Public hearings on proposed joint consolidation agreement.

33 755. Referendum resolution for consolidation of towns or
34 villages.

35 756. Effective date of joint consolidation agreement.

36 757. Initiative of electors seeking consolidation.

37 758. Conduct of referendum.

38 759. Canvassing of vote; moratorium on further referendum.

39 760. Duty to approve proposed elector initiated consolidation
40 plan.

41 761. Publication of proposed elector initiated consolidation
42 plan.

43 762. Public hearings on proposed elector initiated consolidation
44 plan.

45 763. Effective date of elector initiated consolidation plan;
46 permissive referendum.

47 764. Court-ordered consolidation; mediation; judicial hearing
48 officer.

49 765. General effect of consolidation.

50 766. Election and appointment of officials.

51 767. Effect of transition on employees.

52 768. Debts, liabilities and obligations.

53 769. Effect on existing laws; transition period.

54 770. Effect on actions and proceedings.

55 771. Registration of electors.

56 772. Determination of rights.

A. 8501

4

1 § 751. Commencing the proceeding. 1. Two or more local government
2 entities, whether within the same county or different counties, may be
3 consolidated into a single local government entity if each of the local
4 government entities is contiguous to at least one of the other consol-
5 idating local government entities and if together the local government
6 entities would form a consolidated local government entity of a kind or
7 class that is authorized under the laws of the state of New York. The
8 requirement that local government entities be contiguous to consolidate
9 does not apply to entities other than towns and villages.

10 2. Consolidation proceedings may be commenced by either:

11 (a) a joint resolution by the governing body or bodies of the local
12 government entities to be consolidated endorsing a proposed joint
13 consolidation agreement; or

14 (b) elector initiative.

15 § 752. Proposed joint consolidation agreement. 1. The governing body
16 or bodies of two or more local government entities may, by joint resol-
17 ution, endorse a proposed joint consolidation agreement for the purpose
18 of commencing consolidation proceedings under this article.

19 2. The proposed joint consolidation agreement shall specify:

20 (a) the name of each local government entity to be consolidated;

21 (b) the name of the proposed consolidated local government entity,
22 which name shall be such as to distinguish it from the name of any other
23 like unit of government in the state of New York (except the name of any
24 one of the entities to be consolidated);

25 (c) the rights, duties and obligations of the proposed consolidated
26 local government entity;

27 (d) the territorial boundaries of the proposed consolidated local
28 government entity;

29 (e) the type and/or class of the proposed consolidated local govern-
30 ment entity;

31 (f) the governmental organization of the proposed consolidated local
32 government entity insofar as it concerns elected and appointed officials
33 and public employees, along with a transitional plan and schedule for
34 elections and appointments of officials;

35 (g) a fiscal estimate of the cost of and savings which may be realized
36 from consolidation;

37 (h) each entity's assets, including, but not limited to, real and
38 personal property, and the fair value thereof in current money of the
39 United States;

40 (i) each entity's liabilities and indebtedness, bonded and otherwise,
41 and the fair value thereof in current money of the United States;

42 (j) terms for the disposition of existing assets, liabilities and
43 indebtedness of each local government entity, either jointly, separately
44 or in certain defined proportions;

45 (k) terms for the common administration and uniform enforcement of
46 local laws, ordinances, resolutions, orders and the like, within the
47 proposed consolidated local government entity, consistent with section
48 seven hundred sixty-nine of this title;

49 (l) the effective date of the proposed consolidation; and

50 (m) the time and place or places for the public hearing or hearings on
51 such proposed joint consolidation agreement pursuant to section seven
52 hundred fifty-four of this title.

53 § 753. Publication of proposed joint consolidation agreement. No
54 later than five business days after commencement of consolidation
55 proceedings pursuant to section seven hundred fifty-two of this title,

A. 8501

5

1 the governing body or bodies of the local government entities to be
2 consolidated shall:

3 1. cause a copy of the proposed joint consolidation agreement, along
4 with a descriptive summary thereof, to be displayed and readily accessi-
5 ble to the public for inspection in a public place or places within each
6 entity;

7 2. cause the proposed joint consolidation agreement, along with a
8 descriptive summary thereof and a reference to the public place or plac-
9 es within each entity where a copy thereof may be examined, to be
10 displayed on a website maintained by each entity or otherwise on a
11 website maintained by the village, town and/or county in which the enti-
12 ties are located; and

13 3. arrange to be published a descriptive summary of the proposed joint
14 consolidation agreement and a reference to the public place or places
15 within the entities where a copy thereof may be examined, at least once
16 each week for four successive weeks, in a newspaper having a general
17 circulation within each entity.

18 § 754. Public hearings on proposed joint consolidation agreement. 1.
19 The governing body or bodies of the local government entities to be
20 consolidated shall set a time and place or places for one or more public
21 hearings on the proposed joint consolidation agreement. The hearing or
22 hearings shall be held no less than thirty-five days and no more than
23 ninety days after commencement of consolidation proceedings pursuant to
24 section seven hundred fifty-two of this title. The hearing or hearings
25 may be held jointly or separately by the governing body or bodies of the
26 entities. Any interested person shall be given a reasonable opportunity
27 to be heard on any aspect of the proposed consolidation.

28 2. The public hearing or hearings shall be held on notice of at least
29 ten days, but not more than twenty days, published in a newspaper or
30 newspapers having general circulation within each local government enti-
31 ty to be consolidated and displayed on a website maintained by each
32 entity or otherwise on a website maintained by the village, town and/or
33 county in which the entities are located. The notice of the hearing or
34 hearings shall provide a descriptive summary of the proposed joint
35 consolidation agreement and a reference to the public place or places
36 within the entities where a copy of such agreement may be examined.

37 3. After completion of the final hearing, the governing body or bodies
38 of the local government entities to be consolidated may amend the
39 proposed joint consolidation agreement, provided that the amended
40 version complies with the provisions of subdivision two of section seven
41 hundred fifty-two of this title and is publicized pursuant to subdivi-
42 sion four of this section, and/or approve a final version of the joint
43 consolidation agreement, or decline to proceed further with consol-
44 idation proceedings. Any approval by the entities' governing body or
45 bodies of the final version of the joint consolidation agreement must
46 occur within one hundred eighty days of such final hearing.

47 4. No later than five business days after amending the proposed joint
48 consolidation agreement, the governing body or bodies of the local
49 government entities to be consolidated shall:

50 (a) cause a copy of the amended version of the proposed joint consol-
51 idation agreement, along with a descriptive summary thereof, to be
52 displayed and readily accessible to the public for inspection in a
53 public place or places within each entity; and

54 (b) cause the amended version of the proposed joint consolidation
55 agreement, along with a descriptive summary thereof and a reference to
56 the public place or places within each such entity where a copy thereof

A. 8501

6

1 may be examined, to be displayed on a website maintained by each entity
2 or otherwise on a website maintained by the village, town and/or county
3 in which the entities are located.

4 § 755. Referendum resolution for consolidation of towns or villages.

5 1. If a joint consolidation agreement calls for the consolidation of two
6 or more towns, two or more villages or one or more towns and villages,
7 then contemporaneous with the final approval of the joint consolidation
8 agreement pursuant to subdivision three of section seven hundred fifty-
9 four of this title, the governing body or bodies of the local government
10 entities to be consolidated shall enact a resolution calling for a
11 referendum on the proposed consolidation by the electors in each of the
12 entities.

13 2. The resolution calling for the referendum on the proposed consol-
14 idation shall:

15 (a) provide (i) the name of each of the towns and/or villages proposed
16 to be consolidated, (ii) a statement fully describing the territory to
17 be included within the proposed consolidated local government entity,
18 (iii) the name of the proposed consolidated local government entity, and
19 (iv) the date for the referendum, in accordance with subdivision one of
20 section seven hundred fifty-eight of this title;

21 (b) state the substance of the question to be submitted to the elec-
22 tors; and

23 (c) set forth such other matters as may be necessary to call, provide
24 for and give notice of the referendum and to provide for the conduct
25 thereof and the canvass of the returns thereupon.

26 3. The resolution calling for a referendum on the proposed consol-
27 idation shall have attached to it the final approved version of the
28 joint consolidation agreement.

29 § 756. Effective date of joint consolidation agreement. Local govern-
30 ment entities consolidated pursuant to a joint consolidation agreement
31 shall continue to be governed as before consolidation until the effec-
32 tive date of the consolidation specified in the joint consolidation
33 agreement; provided, however, that no joint consolidation agreement
34 consolidating two or more towns, two or more villages or one or more
35 towns and villages shall take effect unless approved by a majority of
36 electors in each such town and/or village at a referendum called through
37 a resolution enacted pursuant to section seven hundred fifty-five of
38 this title.

39 § 757. Initiative of electors seeking consolidation. 1. The electors
40 of two or more local government entities may commence a consolidation
41 proceeding by filing an original petition, containing not less than the
42 number of signatures provided for in subdivision two of this section and
43 in the form provided for in subdivision three of this section, with the
44 clerk of the town in which the entities or the greater portion of their
45 territory are located, except that if one or more of the entities to be
46 consolidated is a village the original petition of electors from the
47 village shall be filed with the clerk of the village. Accompanying the
48 filed petition shall be a cover sheet containing the name, address and
49 telephone number of an individual who signed the petition and who will
50 serve as a contact person.

51 2. The petition shall contain the signatures of at least ten percent
52 of the number of electors or five thousand electors, whichever is less,
53 in each local government entity to be consolidated; provided, however,
54 that where the local government entity to be consolidated contains five
55 hundred or fewer electors, the petition shall contain the signatures of

A. 8501

7

1 at least twenty percent of the number of electors. No signature on a
2 petition is valid unless it is the original signature of an elector.

3 3. The petition shall substantially comply with, and be circulated in,
4 the following form:

5 PETITION FOR LOCAL GOVERNMENT CONSOLIDATION

6 We, the undersigned electors and legal voters of (insert type of local
7 government entity - e.g., town, village or district) of (insert name of
8 local government entity), New York, qualified to vote at the next gener-
9 al or special election, respectfully petition that there be submitted to
10 the electors and legal voters of (insert type and name of local govern-
11 ment entities proposed to be consolidated), for their approval or
12 rejection at a referendum held for that purpose, a proposal to consol-
13 idate (insert type and name of local government entity) with (insert
14 type and name of local government entity or entities).

15 In witness whereof, we have signed our names on the dates indicated
16 next to our signatures.

	<u>Date</u>	<u>Name - print name under signature</u>	<u>Home Address</u>
17			
18	<u>1.</u>		
19	<u>2.</u>		
20	<u>3.</u>		

21 (On the bottom of each page of the petition, after all of the numbered
22 signatures, insert a signed statement of a witness who is a duly quali-
23 fied elector of the state of New York. Such a statement shall be
24 accepted for all purposes as the equivalent of an affidavit, and if it
25 contains a material false statement, shall subject the person signing it
26 to the same penalties as if he or she has been duly sworn. The form of
27 such statement shall be substantially as follows:

28 I, (insert name of witness), state that I am a duly qualified voter of
29 the state of New York. Each of the persons that have signed this peti-
30 tion sheet containing (insert number) signatures have signed their names
31 in my presence on the dates indicated above and identified themselves to
32 be the same person who signed the sheet. I understand that this state-
33 ment will be accepted for all purposes as the equivalent of an affida-
34 vit, and if it contains a materially false statement, shall subject me
35 to the penalties of perjury.

36 _____
37 Date Signature of Witness)

38 (In lieu of the signed statement of a witness who is a duly qualified
39 voter of the state of New York, the following statement signed by a
40 notary public or a commissioner of deeds shall be accepted:

41 On the date indicated above before me personally came each of the
42 electors and legal voters whose signatures appear on this petition sheet
43 containing (insert number) signatures, who signed the petition in my
44 presence and who, being by me duly sworn, each for himself or herself,
45 identified himself or herself as the one and same person who signed the
46 petition and that the foregoing information they provided was true.

47 _____
48 Date Notary Public or Commissioner of Deeds)

49 4. An alteration or correction of information appearing on a
50 petition's signature line, other than an un-initialed signature and
51 date, shall not invalidate such signature.

52 5. In matters of form, this section shall be liberally construed, not
53 inconsistent with substantial compliance thereto and the prevention of
54 fraud.

55 6. Within ten days of the filing of the petition seeking consolidation
56 pursuant to subdivision one of this section, the clerk with whom the

A. 8501

8

1 petition was filed shall make a final determination regarding the suffi-
2 ciency of the number of signatures on the petition and provide timely
3 written notice of such determination to the contact person named in the
4 cover sheet accompanying the petition. The contact person or any indi-
5 vidual who signed the petition may seek judicial review of such determi-
6 nation in a proceeding pursuant to article seventy-eight of the civil
7 practice laws and rules.

8 7. Upon the clerk's determination that the petition contains not less
9 than the number of signatures of electors required in subdivision two of
10 this section, the governing body or bodies of the local government enti-
11 ties to be consolidated shall, no later than thirty days thereafter,
12 enact a resolution in accordance with subdivision two of section seven
13 hundred fifty-five of this title calling for a referendum on the
14 proposed consolidation by the electors in each of the entities and set a
15 date for such referendum.

16 § 758. Conduct of referendum. 1. A referendum required by sections
17 seven hundred fifty-five or seven hundred fifty-seven of this title
18 shall be placed before the electors of each of the local government
19 entities to be consolidated at a special election to be held not less
20 than sixty or more than ninety days after the enactment of a resolution
21 calling for such referendum, provided, however, that in cases where a
22 town or village general election falls within such period, the question
23 may be considered during a town or village general election.

24 2. The referendum may be held in each local government entity on the
25 same day, or on different days, however, not more than twenty days
26 apart.

27 3. Notice of the referendum shall be given to the electors of each
28 local government entity to be consolidated by publication in a newspaper
29 having a general circulation within the boundaries of each entity at
30 least once a week for four consecutive weeks immediately prior to the
31 referendum. The notice shall include, but not be limited to:

32 (a) a summary of the contents of the resolution and joint consol-
33 idation agreement or petition for consolidation, as the case may be;

34 (b) a statement as to where may be examined a copy of the resolution
35 and joint consolidation agreement or petition for consolidation, as the
36 case may be;

37 (c) the names of the local government entities to be consolidated and
38 a description of their territory;

39 (d) with respect to a resolution calling for a referendum under
40 section seven hundred fifty-five of this title only, the name of the
41 proposed consolidated local government entity;

42 (e) the time and place or places at which the referendum will be
43 held; and

44 (f) such other matters as may be necessary to call, provide for and
45 give notice of the referendum and to provide for the conduct thereof and
46 the canvass of the returns thereupon.

47 4. The referendum question placed before the electors of each local
48 government entity to be consolidated shall be in a form reading substan-
49 tially as follows:

50 "Shall (insert type and name of local government entity) be consol-
51 idated with (insert type and name of local government entity or enti-
52 ties)?

53 YES

54 NO _____"

55 5. In any referendum held pursuant to this title, each local govern-
56 ment entity to be consolidated shall bear only the costs of holding such

A. 8501

9

1 referendum in its respective entity and shall not be required to bear
2 the costs of a referendum held in any other entity.

3 6. In any referendum held pursuant to this title, and except as
4 otherwise specified herein, the referendum shall be conducted in the
5 same manner as other municipal elections or referendums for the local
6 government entities to be consolidated.

7 § 759. Canvassing of vote; moratorium on further referendum. 1. In
8 any referendum held pursuant to this title, the ballots cast shall be
9 counted, returns made and canvassed and results certified in the same
10 manner as other municipal elections or referendums for the local govern-
11 ment entities to be consolidated.

12 2. Consolidation shall not take effect unless a majority of the elec-
13 tors voting in each local government entity to be consolidated vote in
14 favor of consolidation. If in any one of the entities such a majority
15 vote does not result, the referendum shall fail and consolidation shall
16 not take effect.

17 3. If consolidation is approved by a majority of the electors voting
18 in each local government entity to be consolidated, certificates of such
19 result shall be immediately filed with the secretary of state and with
20 the clerks of the entities and county in which any part of the entities
21 is situated.

22 4. If the referendum shall fail, the consolidation process specified
23 by this title shall not be initiated for the same purpose within four
24 years of the date of such referendum. This subdivision, however, does
25 not apply to a permissive referendum conducted pursuant to section seven
26 hundred sixty-three of this title.

27 § 760. Duty to approve proposed elector initiated consolidation plan.
28 1. In the case of a proposed consolidation of local government entities
29 properly initiated by petition of electors pursuant to section seven
30 hundred fifty-seven of this title, if a majority of the electors voting
31 in a referendum held in each of the local government entities to be
32 consolidated vote in favor of consolidation, the entities' governing
33 body or bodies shall meet within thirty days after certification of the
34 favorable vote and, within one hundred eighty days of such meeting,
35 prepare and approve by resolution a proposed elector initiated consol-
36 idation plan.

37 2. The proposed elector initiated consolidation plan shall include:

38 (a) the name of each local government entity to be consolidated;

39 (b) the name of what will be the consolidated local government entity,
40 which name shall be such as to distinguish it from the name of any other
41 like unit of government in the state of New York (except the name of any
42 one of the entities to be consolidated);

43 (c) the rights, duties and obligations of the consolidated local
44 government entity;

45 (d) the territorial boundaries of the consolidated local government
46 entity;

47 (e) the type and/or class of the consolidated local government enti-
48 ty;

49 (f) the governmental organization of the consolidated local government
50 entity insofar as it concerns elected and appointed officials and public
51 employees, along with a transitional plan and schedule for elections and
52 appointments of officials;

53 (g) a fiscal estimate of the cost of and savings which may be real-
54 ized from consolidation;

A. 8501

10

1 (h) each entity's assets, including, but not limited to, real and
2 personal property, and the fair value thereof in current money of the
3 United States;

4 (i) each entity's liabilities and indebtedness, bonded and otherwise,
5 and the fair value thereof in current money of the United States;

6 (j) terms for the disposition of existing assets, liabilities and
7 indebtedness of each local government entity, either jointly, separately
8 or in certain defined proportions;

9 (k) terms for the common administration and uniform enforcement of
10 local laws, ordinances, resolutions, orders and the like, within the
11 consolidated local government entity, consistent with section seven
12 hundred sixty-nine of this title;

13 (l) the effective date of the consolidation; and

14 (m) the time and place or places for the public hearing or hearings on
15 such proposed elector initiated consolidation plan pursuant to section
16 seven hundred sixty-two of this title.

17 § 761. Publication of proposed elector initiated consolidation plan.
18 No later than five business days after approving a proposed elector
19 initiated consolidation plan pursuant to section seven hundred sixty of
20 this title, the governing body or bodies of the local government enti-
21 ties to be consolidated shall:

22 1. cause a copy of the proposed elector initiated consolidation plan,
23 along with a descriptive summary thereof, to be displayed and readily
24 accessible to the public for inspection in a public place or places
25 within each entity;

26 2. cause the proposed elector initiated consolidation plan, along with
27 a descriptive summary thereof and a reference to the public place or
28 places within each entity where a copy thereof may be examined, to be
29 displayed on a website maintained by each entity or otherwise on a
30 website maintained by the village, town and/or county in which the enti-
31 ties are located; and

32 3. arrange to be published a descriptive summary of the proposed elec-
33 tor initiated consolidation plan and a reference to the public place or
34 places within the entities where a copy thereof may be examined, at
35 least once each week for four successive weeks, in a newspaper having a
36 general circulation within each entity.

37 § 762. Public hearings on proposed elector initiated consolidation
38 plan. 1. The governing body or bodies of the local government entities
39 to be consolidated shall set a time and place or places for one or more
40 public hearings on the proposed elector initiated consolidation plan.
41 The hearing or hearings shall be held no less than thirty-five days and
42 no more than ninety days after the proposed elector initiated consol-
43 idation plan is approved pursuant to section seven hundred sixty of this
44 title. The hearing or hearings may be held jointly or separately by the
45 governing body or bodies of the entities. Any interested person shall
46 be given a reasonable opportunity to be heard on any aspect of the
47 proposed consolidation.

48 2. The public hearing or hearings shall be held on notice of at least
49 ten days, but not more than twenty days, published in a newspaper or
50 newspapers having general circulation within each local government enti-
51 ty to be consolidated and displayed on a website maintained by each
52 entity or otherwise on a website maintained by the village, town and/or
53 county in which the entities are located. The notice of the hearing or
54 hearings shall provide a descriptive summary of the proposed elector
55 initiated consolidation plan and a reference to the public place or

A. 8501

11

1 places within the entities where a copy of such agreement may be exam-
2 ined.

3 3. After completion of the final hearing, the governing body or
4 bodies of the local government entities to be consolidated may amend the
5 proposed elector initiated consolidation plan, provided that the amended
6 version complies with the provisions of subdivision two of section seven
7 hundred sixty of this title and is publicized pursuant to subdivision
8 four of this section. The entities' governing body or bodies must
9 approve a final version of the elector initiated consolidation plan
10 within sixty days of such final hearing.

11 4. No later than five business days after amending the proposed elec-
12 tor initiated consolidation plan, the governing body or bodies of the
13 local government entities to be consolidated shall:

14 (a) cause a copy of the amended version of the proposed elector
15 initiated consolidation plan, along with a descriptive summary thereof,
16 to be displayed and readily accessible to the public for inspection in a
17 public place or places within each entity; and

18 (b) cause the amended version of the proposed elector initiated
19 consolidation plan, along with a descriptive summary thereof and a
20 reference to the public place or places within each entity where a copy
21 thereof may be examined, to be displayed on a website maintained by each
22 entity or otherwise on a website maintained by the village, town and/or
23 county in which the entities are located.

24 § 763. Effective date of elector initiated consolidation plan; permis-
25 sive referendum. 1. Local government entities consolidated pursuant to
26 an elector initiated consolidated plan shall continue to be governed as
27 before consolidation until the effective date of the consolidation spec-
28 ified in such plan, which date shall be no less than forty-five days
29 after final approval of such plan pursuant to subdivision three of
30 section seven hundred sixty-two or subdivision four of section seven
31 hundred sixty-four of this title.

32 2. Notwithstanding subdivision one of this section, the elector initi-
33 ated consolidation plan shall not take effect if, no later than forty-
34 five days after final approval thereof pursuant to subdivision three of
35 section seven hundred sixty-two or subdivision four of section seven
36 hundred sixty-four of this title, electors of a local government entity
37 to be consolidated pursuant to such plan shall:

38 (a) file an original petition, containing not less than the number of
39 signatures provided for in subdivision three of this section, seeking a
40 referendum on the question whether the elector initiated consolidation
41 plan shall take effect, with the clerk of the town in which the entity
42 or the greater portion of its territory is located, except that if the
43 entity is a village the original petition of electors from the village
44 shall be filed with the clerk of the village; and

45 (b) thereafter less than a majority of the electors in the entity vote
46 in the affirmative on such question at a referendum.

47 3. The petition shall be circulated, signed and authenticated in
48 substantial compliance with the provisions of section seven hundred
49 fifty-seven of this title, shall contain the signatures of at least
50 twenty-five percent of the number of electors or fifteen thousand elec-
51 tors, whichever is less, in the local government entity to be consol-
52 idated, and shall be accompanied by a cover sheet containing the name,
53 address and telephone number of an individual who signed the petition
54 and who will serve as a contact person.

55 4. Within ten days of the filing of the petition seeking a referendum
56 on whether the elector initiated dissolution plan shall take effect, the

A. 8501

12

1 clerk with whom the petition was filed shall make a final determination
2 regarding the sufficiency of the number of signatures on the petition
3 and provide timely written notice of such determination to the contact
4 person named in the cover sheet accompanying the petition. The contact
5 person or any individual who signed the petition may seek judicial
6 review of such determination in a proceeding pursuant to article seven-
7 ty-eight of the civil practice law and rules. Upon the clerk's determi-
8 nation that the petition contains no less than the required number of
9 signatures, the governing body of the local government entity to which
10 such petition applies shall within thirty days enact a resolution call-
11 ing for a referendum by the electors of such entity on the question
12 whether to approve the elector initiated consolidation plan and set a
13 date for such referendum in accordance with subdivision five of this
14 section.

15 5. The referendum on the question whether the elector initiated
16 consolidation plan shall take effect shall be submitted at a special
17 election to be held not less than sixty or more than ninety days after
18 enactment of a resolution pursuant to subdivision four of this section,
19 provided, however, that in cases where a town or village general
20 election falls within such period, the referendum question may be
21 considered during a town or village general election.

22 6. Notice of the referendum shall be given to the electors of the
23 local government entity to which the petition applies by publication in
24 a newspaper having a general circulation within the boundaries of the
25 entity at least once a week for four consecutive weeks immediately prior
26 to the referendum. The notice shall include, but not be limited to:

27 (a) a summary of the contents of the resolution and elector initiated
28 consolidation plan;

29 (b) a statement as to where may be examined a copy of the resolution
30 and elector initiated consolidation plan;

31 (c) the time and place or places at which the referendum will be
32 held, in accordance with subdivision five of this section; and

33 (d) such other matters as may be necessary to call, provide for and
34 give notice of the referendum and to provide for the conduct thereof and
35 the canvass of the returns thereupon.

36 7. In a referendum held pursuant to this section, the referendum ques-
37 tion shall be placed before the electors of the local government entity
38 to which the petition applies in a form reading substantially as
39 follows:

40 "The voters of the (insert type and name of each local government
41 entity to which the consolidation plan applies) having previously voted
42 to consolidate, shall the elector initiated consolidation plan take
43 effect?

44 YES _____

45 NO _____"

46 8. The elector initiated consolidation plan shall not take effect
47 unless a majority of the electors voting in the local government entity
48 to which the petition applies vote in favor of such plan taking effect.
49 If such a majority vote does not result, the referendum shall fail and
50 consolidation shall not take effect.

51 § 764. Court-ordered consolidation; mediation; judicial hearing offi-
52 cer. 1. If the governing body or bodies of local government entities
53 with a duty to prepare and approve a proposed elector initiated consol-
54 idation plan pursuant to section seven hundred sixty of this title fail
55 to prepare and approve such plan or are otherwise unable or unwilling to
56 accomplish and complete the consolidation pursuant to the provisions of

A. 8501

13

1 this title, then any five electors who signed the petition seeking
2 consolidation may commence a special proceeding against the entities
3 pursuant to article seventy-eight of the civil practice law and rules,
4 in the supreme court within the judicial district in which the consol-
5 idated local government entity or the greater portion of its territory
6 will be located, to compel compliance with the provisions of this arti-
7 cle.

8 2. If the court finds that the governing body or bodies attempted in
9 good faith to prepare and approve a proposed elector initiated consol-
10 idation plan but were nevertheless unsuccessful, then the court may
11 refer such matter to mediation pursuant to law, with costs of such medi-
12 ation to be borne by the entities in such proportion as the court shall
13 determine based on appropriate factors including population and the good
14 faith efforts of the respective entities. If the governing body or
15 bodies thereupon prepare and approve a proposed elector initiated
16 consolidation plan conforming to the requirements of subdivision two of
17 section seven hundred sixty of this title, then the provisions of
18 sections seven hundred sixty-one, seven hundred sixty-two and seven
19 hundred sixty-three of this title shall apply as if the governing body
20 or bodies had proposed such plan without the benefit of court-ordered
21 mediation.

22 3. In all other cases, if the petitioners in such special proceeding
23 shall substantially prevail, then the court shall issue an injunction
24 ordering the governing body or bodies of the local government entities
25 to comply with the applicable provisions of this article. If the govern-
26 ing body or bodies shall violate the injunction, then the court shall
27 appoint a judicial hearing officer pursuant to article forty-three of
28 the civil practice law and rules to hear and determine an elector initi-
29 ated consolidation plan for the entities that complies with the
30 provisions of subdivision two of section seven hundred sixty of this
31 title.

32 4. The final determination of the judicial hearing officer shall
33 constitute final approval of the elector initiated consolidation plan
34 and provide such plan takes effect forty five days after the filing of
35 such determination with the clerk of the court, unless a petition for a
36 permissive referendum is properly filed pursuant to section seven
37 hundred sixty-three of this title.

38 5. In any proceeding pursuant to this section in which the petitioners
39 substantially prevail, the costs of such proceeding, including the costs
40 of any judicial hearing officer appointed pursuant to subdivision three
41 of this section, shall be borne by the local government entities propor-
42 tionately, at the rate provided for in article twenty-two of the judici-
43 ary law and regulations promulgated pursuant thereto based on appropri-
44 ate factors, including, but not limited to, population and the court's
45 findings regarding the good faith efforts of the respective entities.

46 § 765. General effect of consolidation. 1. On and after the effective
47 date of a consolidation, the consolidating local government entities
48 shall be treated and considered for all purposes as one local government
49 entity, under the name and on the terms and conditions set forth in the
50 joint consolidation agreement or the elector initiated consolidation
51 plan, as the case may be.

52 2. All rights, privileges and franchises of each component local
53 government entity and all assets, real and personal property, books,
54 records, papers, seals and equipment, as well as other things in action,
55 belonging to each component local government entity shall be deemed as

A. 8501

14

1 transferred to and vested in the consolidated local government entity
2 without further act or deed.

3 3. All property, rights-of-way and other interests shall be as effec-
4 tually the property of the consolidated local government entity as they
5 were of the component local government entities prior to their consol-
6 idation. The title to real estate, either by deed or otherwise, under
7 the laws of the state of New York vested in any of the component local
8 government entities shall not be deemed to revert or be in any way
9 impaired by reason of the consolidation.

10 4. The consolidated local government entity shall in all respects be
11 subject to all the obligations and liabilities imposed and shall possess
12 all the rights, powers, and privileges vested by law in other similar
13 entities.

14 5. Upon the effective date of the consolidation, the joint consol-
15 idation agreement or the elector initiated consolidation plan, as the
16 case may be, shall be subordinate in all respects to the contract rights
17 of all holders of any securities or obligations of the local government
18 entities outstanding at the effective date of the consolidation.

19 6. If a joint consolidation agreement or elector initiated consol-
20 idation plan provides for the dissolution of a local justice court, all
21 court records of such court shall be deposited with a justice court
22 judge to be designated by the administrative judge of the judicial
23 district within which the dissolving justice court is located. The
24 designated justice court judge shall have authority to execute and
25 complete all unfinished business.

26 § 766. Election and appointment of officials. New officials of the
27 consolidated local government entity required to be elected shall take
28 office on the first Monday of January following the election designated
29 in the joint consolidation agreement or elector initiated consolidation
30 plan, as the case may be. At such election, the necessary officials of
31 the consolidated local government entity shall be elected in accordance
32 with the terms of the general law affecting entities of the kind or
33 class of the consolidated local government entity. Except as otherwise
34 specified in the joint consolidation agreement or elector initiated
35 consolidation plan, all appointive officials of the consolidated local
36 government entity thereafter shall be appointed by the individual or
37 entity upon whom the power to appoint such officials is conferred by the
38 terms of the general law affecting entities of the kind or class of the
39 consolidated local government entity. Successors in office for such
40 elected or appointed positions shall thereafter be elected or appointed
41 at the time, in the manner and for the terms provided by the general law
42 affecting entities of the kind or class of the consolidated local
43 government entity.

44 § 767. Effect of transition on employees. Except as otherwise
45 provided by law and except for those officials and employees protected
46 by tenure of office, civil service provisions or collective bargaining
47 agreement, upon the effective date of consolidation, all appointive
48 offices and positions then existing in all component local government
49 entities involved in the consolidation shall be subject to the terms of
50 the joint consolidation agreement or elector initiated consolidation
51 plan, as the case may be. Such agreement or plan may provide for
52 instances in which there is duplication of positions and for other
53 matters such as varying length of employee contracts, different civil
54 service regulations in the constituent entities and differing ranks and
55 position classifications for similar positions.

A. 8501

15

1 § 768. Debts, liabilities and obligations. 1. All valid and lawful
2 debts and liabilities existing against a consolidated local government
3 entity, or which may thereafter arise or accrue against the consolidated
4 local government entity, which but for consolidation would be valid and
5 lawful debts or liabilities against one or more of the component local
6 government entities, shall be deemed and taken to be like debts against
7 or liabilities of the consolidated local government entity and shall
8 accordingly be defrayed and answered to by it to the same extent, and no
9 further than, the component local government entities would have been
10 bound if no consolidation had taken place.

11 2. The rights of creditors and all liens upon the property of any of
12 the component local government entities of a consolidation shall be
13 preserved unimpaired. The respective component entities shall be deemed
14 to continue in existence to preserve such rights and liens, and all
15 debts, liabilities and duties of any of the component entities shall
16 thenceforth attach to the consolidated local government entity and be
17 enforced against it to the same extent as if such debts, liabilities and
18 duties had been incurred or contracted by the consolidated local govern-
19 ment entity.

20 3. All bonds, contracts and obligations of the component entities
21 which exist as legal obligations shall be deemed like obligations of the
22 consolidated local government entity, and all such obligations as are
23 authorized or required to be issued or entered into shall be issued or
24 entered into by and in the name of the consolidated local government
25 entity.

26 § 769. Effect on existing laws; transition period. Subject to the
27 provisions of the joint consolidation agreement or elector initiated
28 consolidation plan, as the case may be, pertaining to the common admin-
29 istration and uniform enforcement of laws in the consolidated local
30 government entity, all local laws, ordinances, rules or regulations of
31 the component local government entities in effect on the effective date
32 of consolidation shall remain in full force and effect within the
33 respective areas of the component local government entities that existed
34 prior to consolidation, insofar as the local laws, ordinances, rules or
35 regulations are not repugnant to law, until repealed or amended. As
36 soon as practicable but not later than two years after the effective
37 date of consolidation, the governing body of the consolidated local
38 government entity shall adopt new local laws, ordinances, rules and
39 regulations as necessary to redress conflicts and otherwise redress
40 ambiguities arising among the then-existing laws, ordinances, rules or
41 regulations for the common administration and uniform governance of the
42 consolidated local government entity.

43 § 770. Effect on actions and proceedings. 1. Suits may be brought and
44 maintained against a consolidated local government entity in any of the
45 courts of the state in the same manner as against any other local
46 government entity.

47 2. In any action or proceeding pending on the effective date of
48 consolidation to which any component local government entity is a party,
49 the consolidated local government entity may be substituted in its place
50 and the action or proceeding may be prosecuted to judgment as if consol-
51 idation had not taken place.

52 § 771. Registration of electors. No new registration of electors
53 shall be necessary in case of consolidation, but all elector registra-
54 tions of the component local government entities shall be transferred to
55 the proper registration books of the consolidated local government enti-

A. 8501

16

1 ty, and new registrations shall be made as provided by law as if no
2 consolidation had taken place.

3 § 772. Determination of rights. If any right, title, interest or
4 claim shall arise out of any consolidation or by reason thereof that is
5 not determinable by reference to the provisions of this article, by the
6 joint consolidation agreement or elector initiated consolidation plan,
7 as the case may be, or otherwise under the laws of this state, then the
8 governing body of the consolidated local government entity may provide
9 therefore in a manner conforming to law.

10 TITLE 3

11 DISSOLUTION OF LOCAL GOVERNMENT ENTITIES

12 Section 773. Commencing the proceeding.

13 774. Proposed dissolution plan.

14 775. Publication of proposed dissolution plan.

15 776. Public hearings on proposed dissolution plan.

16 777. Referendum resolution for dissolution of villages.

17 778. Effective date of dissolution plan.

18 779. Initiative of electors seeking dissolution.

19 780. Conduct of referendum.

20 781. Canvassing of vote; moratorium on further referendum.

21 782. Duty to approve proposed elector initiated dissolution
22 plan.

23 783. Publication of proposed elector initiated dissolution plan.

24 784. Public hearings on proposed elector initiated dissolution
25 plan.

26 785. Effective date of elector initiated dissolution plan;
27 permissive referendum.

28 786. Court-ordered dissolution; judicial hearing officer.

29 787. Winding down the affairs of a dissolved local government
30 entity.

31 788. Effect on actions and proceedings; disposition of records,
32 books and papers.

33 789. Effect on existing laws of village.

34 790. Debts, liabilities and obligations.

35 § 773. Commencing the proceeding. 1. A local government entity other
36 than a town may be dissolved and terminated by the procedure described
37 in this title.

38 2. Dissolution proceedings may be commenced by:

39 (a) a resolution of the governing body of the local government entity
40 to be dissolved endorsing a proposed dissolution plan; or

41 (b) elector initiative.

42 § 774. Proposed dissolution plan. 1. The governing body of a local
43 government entity may, by resolution, endorse a proposed dissolution
44 plan for the purpose of commencing dissolution proceedings under this
45 article.

46 2. The proposed dissolution plan shall specify:

47 (a) the name of the local government entity to be dissolved;

48 (b) the territorial boundaries of the entity;

49 (c) the type and/or class of the entity;

50 (d) a fiscal estimate of the cost of dissolution;

51 (e) any plan for the transfer or elimination of public employees;

52 (f) the entity's assets, including but not limited to real and
53 personal property, and the fair value thereof in current money of the
54 United States;

55 (g) the entity's liabilities and indebtedness, bonded and otherwise,
56 and the fair value thereof in current money of the United States;

A. 8501

17

1 (h) any agreements entered into with the town or towns in which the
2 entity is situated in order to carry out the dissolution;

3 (i) the manner and means by which the residents of the entity will
4 continue to be furnished municipal services following the entity's
5 dissolution;

6 (j) terms for the disposition of the entity's assets and the disposi-
7 tion of its liabilities and indebtedness, including the levy and
8 collection of the necessary taxes and assessments therefor;

9 (k) findings as to whether any local laws, ordinances, rules or regu-
10 lations of the entity shall remain in effect after the effective date of
11 the dissolution or shall remain in effect for a period of time other
12 than as provided by section seven hundred eighty-nine of this title;

13 (l) the effective date of the proposed dissolution;

14 (m) the time and place or places for a public hearing or hearings on
15 the proposed dissolution plan pursuant to section seven hundred seven-
16 ty-six of this title; and

17 (n) any other matter desirable or necessary to carry out the dissol-
18 ution.

19 § 775. Publication of proposed dissolution plan. No later than five
20 business days after commencement of dissolution proceedings pursuant to
21 section seven hundred seventy-four of this title, the governing body of
22 the local government entity to be dissolved shall:

23 1. cause a copy of the proposed dissolution plan, along with a
24 descriptive summary thereof, to be displayed and readily accessible to
25 the public for inspection in a public place or places within the entity;

26 2. cause the proposed dissolution plan, along with a descriptive
27 summary thereof and a reference to the public place or places within the
28 entity where a copy thereof may be examined, to be displayed on a
29 website maintained by the entity or otherwise on a website maintained by
30 the village, town and/or county in which the entity is located;

31 3. arrange to be published a descriptive summary of the proposed
32 dissolution plan and a reference to the public place or places within
33 the entity where a copy thereof may be examined, at least once each week
34 for four successive weeks in a newspaper having a general circulation
35 within the entity; and

36 4. in the case of a proposed dissolution of a village, the governing
37 body of the village shall cause the proposed dissolution plan to be
38 mailed by certified or registered mail to the supervisor of the town or
39 towns in which the village is situated.

40 § 776. Public hearings on proposed dissolution plan. 1. The governing
41 body of the local government entity to be dissolved shall set a time and
42 place or places for one or more public hearings on the proposed dissol-
43 ution plan. The hearing or hearings shall be held no less than thirty-
44 five days and no more than ninety days after commencement of dissolution
45 proceedings pursuant to section seven hundred seventy-four of this
46 title. Any interested person shall be given a reasonable opportunity to
47 be heard on any aspect of the proposed dissolution.

48 2. The public hearing or hearings shall be held on notice of at least
49 ten days, but not more than twenty days, published in a newspaper or
50 newspapers having general circulation within the local government entity
51 to be dissolved and displayed on a website maintained by the entity or
52 otherwise on a website maintained by the village, town and/or county in
53 which the entity is located. The notice of the hearing or hearings shall
54 provide a descriptive summary of the proposed dissolution plan and a
55 reference to the public place or places within the entity where a copy
56 of such plan may be examined.

A. 8501

18

1 3. After completion of the final hearing, the governing body of the
2 local government entity to be dissolved may amend the proposed dissol-
3 ution plan, provided that the amended version complies with the
4 provisions of subdivision two of section seven hundred seventy-four of
5 this title and is publicized pursuant to subdivision four of this
6 section, and/or approve a final version of the dissolution plan, or
7 decline to proceed further with dissolution proceedings. Any approval
8 by the governing body of a final version of the dissolution plan must
9 occur within one hundred eighty days of the final hearing.

10 4. No later than five business days after amending the proposed
11 dissolution plan, the governing body of the entity to be dissolved
12 shall:

13 (a) cause a copy of the amended version of the proposed dissolution
14 plan, along with a descriptive summary thereof, to be displayed and
15 readily accessible to the public for inspection in a public place or
16 places within the entity; and

17 (b) cause the amended version of the proposed dissolution plan, along
18 with a descriptive summary thereof and a reference to the public place
19 or places within the entity where a copy thereof may be examined, to be
20 displayed on a website maintained by the entity or otherwise on a
21 website maintained by the village, town and/or county in which the enti-
22 ty is located.

23 § 777. Referendum resolution for dissolution of villages. 1. If a
24 dissolution plan calls for the dissolution of a village, then contempo-
25 aneous with the final approval of the dissolution plan pursuant to
26 subdivision three of section seven hundred seventy-six of this title,
27 the governing body of the village shall enact a resolution calling for a
28 referendum on the proposed dissolution by the electors in the village.

29 2. The resolution calling for the referendum on the proposed dissol-
30 ution shall:

31 (a) provide (i) the name of the village to be dissolved; and (ii) the
32 date for the referendum, in accordance with subdivision one of section
33 seven hundred eighty of this title;

34 (b) state the substance of the question to be submitted to the elec-
35 tors; and

36 (c) set forth such other matters as may be necessary to call, provide
37 for and give notice of the referendum and to provide for the conduct
38 thereof and the canvass of the returns thereupon.

39 3. The resolution calling for the referendum on the proposed dissol-
40 ution shall have attached to it the final approved version of the
41 dissolution plan.

42 § 778. Effective date of dissolution plan. A local government entity
43 dissolved pursuant to a dissolution plan shall continue to be governed
44 as before dissolution until the effective date of the dissolution speci-
45 fied in the dissolution plan; provided, however, that no dissolution
46 plan for a village shall take effect unless approved by a majority of
47 electors of the village at a referendum called through a resolution
48 enacted pursuant to section seven hundred seventy-seven of this title.

49 § 779. Initiative of electors seeking dissolution. 1. The electors of
50 a local government entity may commence a dissolution proceeding by
51 filing an original petition, containing not less than the number of
52 signatures provided for in subdivision two of this section and in the
53 form provided for in subdivision three of this section, with the clerk
54 of the town in which the entity or the greater portion of its territory
55 is located, except that if the entity is a village the original petition
56 of electors from the village shall be filed with the clerk of the

A. 8501

19

1 village. Accompanying the filed petition shall be a cover sheet contain-
2 ing the name, address and telephone number of an individual who signed
3 the petition and who will serve as a contact person.

4 2. The petition shall contain the signatures of at least ten percent
5 of the number of electors or five thousand electors, whichever is less,
6 in the local government entity to be dissolved; provided, however, that
7 where the local government entity to be dissolved contains five hundred
8 or fewer electors, the petition shall contain the signatures of at least
9 twenty percent of the number of electors. No signature on a petition is
10 valid unless it is an original signature of an elector.

11 3. The petition shall substantially comply with, and be circulated in,
12 the following form:

13 PETITION FOR LOCAL GOVERNMENT DISSOLUTION

14 We, the undersigned, electors and legal voters of (insert type of
15 local government entity -- e.g., town, village or district) of (insert
16 name of local government entity), New York, qualified to vote at the
17 next general or special election, respectfully petition that there be
18 submitted to the electors of (insert type and name of local government
19 entity proposed to be dissolved), for their approval or rejection at a
20 referendum held for that purpose, a proposal to dissolve and terminate
21 (insert type and name of local government entity).

22 In witness whereof, we have signed our names on the dates indicated
23 next to our signatures.

24 Date _____ Name - print name under signature _____ Home Address _____

- 25 1. _____
- 26 2. _____
- 27 3. _____

28 (On the bottom of each page of the petition, after all of the numbered
29 signatures, insert a signed statement of a witness who is a duly quali-
30 fied elector of the state of New York. Such a statement shall be
31 accepted for all purposes as the equivalent of an affidavit, and if it
32 contains a material false statement, shall subject the person signing it
33 to the same penalties as if he or she has been duly sworn. The form of
34 such statement shall be substantially as follows:

35 I, (insert name of witness), state that I am a duly qualified voter of
36 the state of New York. Each of the persons that have signed this peti-
37 tion sheet containing (insert number) signatures, have signed their
38 names in my presence on the dates indicated above and identified them-
39 selves to be the same person who signed the sheet. I understand that
40 this statement will be accepted for all purposes as the equivalent of an
41 affidavit, and if it contains a materially false statement, shall
42 subject me to the penalties of perjury.

43 _____
44 Date _____ Signature of Witness)

45 (In lieu of the signed statement of a witness who is a duly qualified
46 voter of the state of New York, the following statement signed by a
47 notary public or a commissioner of deeds shall be accepted:

48 On the date indicated above before me personally came each of the
49 electors and legal voters whose signatures appear on this petition sheet
50 containing (insert number) signatures, who signed the petition in my
51 presence and who, being by me duly sworn, each for himself or herself,
52 identified himself or herself as the one and same person who signed the
53 petition and that the foregoing information they provided was true.

54 _____
55 Date _____ Notary Public or Commissioner of Deeds)

A. 8501

20

1 4. An alteration or correction of information appearing on a
2 petition's signature line, other than an un-initialed signature and
3 date, shall not invalidate such signature.

4 5. In matters of form, this section shall be liberally construed, not
5 inconsistent with substantial compliance thereto and the prevention of
6 fraud.

7 6. Within ten days of the filing of the petition seeking dissolution
8 pursuant to subdivision one of this section, the clerk with whom the
9 petition was filed shall make a final determination regarding the suffi-
10 ciency of the signatures on the petition and provide timely written
11 notice of such determination to the contact person named in the cover
12 sheet accompanying the petition. The contact person or any individual
13 who signed the petition may seek judicial review of such determination
14 in a proceeding pursuant to article seventy-eight of the civil practice
15 law and rules.

16 7. Upon the clerk's determination that the petition contains not less
17 than the number of signatures of electors required in subdivision two of
18 this section, the governing body of the local government entity to be
19 dissolved shall, no later than thirty days thereafter, enact a resol-
20 ution in accordance with subdivision two of section seven hundred seven-
21 ty-seven of this title calling for a referendum on the proposed dissol-
22 ution by the electors in the entity and set a date for such referendum.

23 § 780. Conduct of referendum. 1. A referendum on a proposed dissol-
24 ution required by sections seven hundred seventy-seven or seven hundred
25 seventy-nine of this title shall be placed before the electors in the
26 local government entity to be dissolved at a special election to be held
27 not less than sixty or more than ninety days after the enactment of a
28 resolution calling for the referendum, provided, however, that in cases
29 where a town or village general election falls within such period, the
30 referendum question may be considered during a town or village general
31 election.

32 2. Notice of the referendum shall be given to the electors of the
33 local government entity to be dissolved by publication in a newspaper
34 having a general circulation within the boundaries of the entity at
35 least once a week for four consecutive weeks immediately prior to the
36 referendum. The notice shall include, but not be limited to:

37 (a) a summary of the contents of the resolution and dissolution plan
38 or petition for dissolution, as the case may be;

39 (b) a statement as to where may be examined copies of the resolution
40 and dissolution plan or petition for dissolution, as the case may be;

41 (c) the name of the local government entity to be dissolved and a
42 statement fully describing its territory;

43 (d) the time and place or places at which the referendum will be held;
44 and

45 (e) such other matters as may be necessary to call, provide for and
46 give notice of the referendum and to provide for the conduct thereof and
47 the canvass of the returns thereupon.

48 3. The referendum question placed before the electors of the local
49 government entity to be dissolved shall be in a form reading substan-
50 tially as follows:

51 "Shall (insert type and name of local government entity) be dissolved?"

52 YES _____

53 NO _____"

54 4. In any referendum held pursuant to this title, the local government
55 entity to be dissolved shall bear the costs associated with the conduct
56 of such referendum.

A. 8501

21

1 5. In any referendum held pursuant to this title, and except as other-
2 wise specified herein, the referendum shall be conducted in the same
3 manner as other municipal elections or referendums for the local govern-
4 ment entity affected by the proposed dissolution.

5 § 781. Canvassing of vote; moratorium on further referendum. 1. In
6 any referendum held pursuant to this title, the ballots cast shall be
7 counted, returns made and canvassed and results certified in the same
8 manner as other municipal elections or referendums for the local govern-
9 ment entity affected by the proposed dissolution.

10 2. Dissolution shall not take effect unless a majority of the electors
11 voting in the local government entity in which the referendum is held
12 vote in favor of dissolution. If such a majority vote does not result,
13 the referendum shall fail and dissolution shall not take effect.

14 3. If dissolution is approved by a majority of the electors voting in
15 the local government entity in which the referendum is held, certifi-
16 icates of such result immediately shall be filed with the secretary of
17 state and with the clerks of the local government entity or entities and
18 county in which is situated any part of the entity to be dissolved.

19 4. If the referendum shall fail, the dissolution process specified by
20 this title shall not be initiated for the local government entity within
21 four years of the date of such referendum. This subdivision, however,
22 does not apply to a permissive referendum conducted pursuant to section
23 seven hundred eighty-five of this title.

24 § 782. Duty to approve proposed elector initiated dissolution plan.
25 1. In the case of a proposed dissolution of a local government entity
26 properly initiated by petition of electors pursuant to section seven
27 hundred seventy-nine of this title, if a majority of the electors voting
28 at a referendum vote in favor of dissolution, the entity's governing
29 body shall meet within thirty days after certification of the favorable
30 vote and, within one hundred eighty days of such meeting, prepare and
31 approve a proposed elector initiated dissolution plan.

32 2. The proposed elector initiated dissolution plan shall specify:
33 (a) the name of the local government entity to be dissolved;
34 (b) the territorial boundaries of the entity;
35 (c) the type and/or class of the entity;
36 (d) a fiscal estimate of the cost of dissolution;
37 (e) any plan for the transfer or elimination of public employees;
38 (f) the entity's assets, including but not limited to real and
39 personal property, and the fair value thereof in current money of the
40 United States;

41 (g) the entity's liabilities and indebtedness, bonded and otherwise,
42 and the fair value thereof in current money of the United States;

43 (h) any agreements entered into with the town or towns in which the
44 entity is situated in order to carry out the dissolution;

45 (i) the manner and means by which the residents of the entity will
46 continue to be furnished municipal services following the entity's
47 dissolution;

48 (j) terms for the disposition of the entity's assets and the disposi-
49 tion of its liabilities and indebtedness, including the levy and
50 collection of the necessary taxes and assessments therefor;

51 (k) findings as to whether any local laws, ordinances, rules or regu-
52 lations of the entity shall remain in effect after the effective date of
53 the dissolution or shall remain in effect for a period of time other
54 than as provided by section seven hundred eighty-nine of this title;

55 (l) the effective date of the dissolution;

A. 8501

22

1 (m) the time and place or places for a public hearing or hearings on
2 such proposed dissolution plan pursuant to section seven hundred eight-
3 y-four of this title; and

4 (n) any other matter desirable or necessary to carry out the dissol-
5 ution.

6 § 783. Publication of proposed elector initiated dissolution plan. No
7 later than five business days after approving an elector initiated
8 dissolution plan pursuant to section seven hundred eighty-two of this
9 title, the governing body of the local government entity to be dissolved
10 shall:

11 1. cause a copy of the proposed elector initiated dissolution plan,
12 along with a descriptive summary thereof, to be displayed and readily
13 accessible to the public for inspection in a public place or places
14 within the entity;

15 2. cause the proposed elector initiated dissolution plan, along with a
16 descriptive summary thereof and a reference to the public place or plac-
17 es within the entity where a copy thereof may be examined, to be
18 displayed on a website maintained by the entity or otherwise on a
19 website maintained by the village, town and/or county in which the enti-
20 ty is located; and

21 3. arrange to be published a descriptive summary of the proposed elec-
22 tor initiated dissolution plan and a reference to the public place or
23 places within the entity where a copy thereof may be examined, at least
24 once each week for four successive weeks in a newspaper having a general
25 circulation within the entity; and

26 4. in the case of a proposed dissolution of a village, the governing
27 body of the village shall cause the proposed elector initiated dissol-
28 ution plan to be mailed by certified or registered mail to the supervi-
29 sor of the town or towns in which the village is situated.

30 § 784. Public hearings on proposed elector initiated dissolution plan.

31 1. The governing body of the local government entity to be dissolved
32 shall set a time and place or places for one or more public hearings on
33 the proposed elector initiated dissolution plan. The hearing or hearings
34 shall be held no less than thirty-five days and no more than ninety days
35 after the proposed elector initiated dissolution plan is approved pursu-
36 ant to section seven hundred eighty-two of this title. Any interested
37 person shall be given a reasonable opportunity to be heard on any aspect
38 of the proposed dissolution.

39 2. The public hearing or hearings shall be held on notice of at least
40 ten days, but not more than twenty days, published in a newspaper or
41 newspapers having general circulation within the local government entity
42 to be dissolved and displayed on a website maintained by the entity or
43 otherwise on a website maintained by the village, town and/or county in
44 which the entity is located. The notice of the hearing or hearings shall
45 provide a descriptive summary of the proposed elector initiated dissol-
46 ution plan, and a reference to the public place or places within the
47 entity where a copy of such plan may be examined.

48 3. After completion of the final hearing, the governing body of the
49 local government entity to be dissolved may amend the proposed elector
50 initiated dissolution plan, provided that the amended version complies
51 with the provisions of subdivision two of section seven hundred eighty-
52 two of this title and is publicized pursuant to subdivision four of this
53 section. The governing body must approve a final version of the elector
54 initiated dissolution plan within sixty days of such final hearing.

A. 8501

23

1 4. No later than five business days after amending the proposed elec-
2 tor initiated dissolution plan, the governing body of the local govern-
3 ment entity to be dissolved shall:

4 (a) cause a copy of the amended version of the proposed elector initi-
5 ated dissolution plan, along with a descriptive summary thereof, to be
6 displayed and readily accessible to the public for inspection in a
7 public place or places within the entity; and

8 (b) cause the amended version of the proposed elector initiated
9 dissolution plan, along with a descriptive summary thereof and a refer-
10 ence to the public place or places within the entity where a copy there-
11 of may be examined, to be displayed on a website maintained by the enti-
12 ty or otherwise on a website maintained by the village, town and/or
13 county in which the entity is located.

14 § 785. Effective date of elector initiated dissolution plan; permis-
15 sive referendum. 1. A local government entity dissolved pursuant to an
16 elector initiated dissolution plan shall continue to be governed as
17 before dissolution until the effective date of the dissolution specified
18 in the elector initiated dissolution plan, which date shall be no less
19 than forty-five days after final approval of such plan pursuant to
20 subdivision three of section seven hundred eighty-four or subdivision
21 three of section seven hundred eighty-six of this title.

22 2. Notwithstanding subdivision one of this section, the elector initi-
23 ated dissolution plan shall not take effect if, no later than forty-five
24 days after final approval of such plan pursuant to subdivision three of
25 section seven hundred eighty-four or subdivision three of section seven
26 hundred eighty-six of this title, electors of the local government enti-
27 ty to be dissolved shall:

28 (a) file an original petition, containing not less than the number of
29 signatures provided for in subdivision three of this section, seeking a
30 referendum on the question whether the elector initiated dissolution
31 plan shall take effect, with the clerk of the town in which the entity
32 or the greater portion of its territory is located, except that if the
33 entity is a village the original petition of electors from the village
34 shall be filed with the clerk of the village; and

35 (b) thereafter less than a majority of the electors vote in the affir-
36 mative on such question at a referendum.

37 3. The petition shall be circulated, signed and authenticated in
38 substantial compliance with the provisions of section seven hundred
39 seventy-nine of this title, shall contain the signatures of at least
40 twenty-five percent of the number of electors or fifteen thousand elec-
41 tors, whichever is less, in the local government entity to be dissolved,
42 and shall be accompanied by a cover sheet containing the name, address
43 and telephone number of an individual who signed the petition and who
44 will serve as a contact person.

45 4. Within ten days of the filing of the petition seeking a referendum
46 on whether the elector initiated dissolution plan shall take effect, the
47 clerk with whom the petition was filed shall make a final determination
48 regarding the sufficiency of the number of signatures on the petition
49 and provide timely written notice of such determination to the contact
50 person named in the cover sheet accompanying the petition. The contact
51 person or any individual who signed the petition may seek judicial
52 review of such determination in a proceeding pursuant to article seven-
53 ty-eight of the civil practice law and rules. Upon the clerk's determi-
54 nation that the petition contains no less than the required number of
55 signatures, the governing body of the local government entity to be
56 dissolved shall within thirty days enact a resolution calling for a

A. 8501

24

1 referendum by the electors on the question whether the elector initiated
2 dissolution plan shall take effect and set a date for such referendum in
3 accordance with subdivision five of this section.

4 5. The referendum on the question whether the elector initiated
5 dissolution plan shall take effect shall be submitted at a special
6 election to be held not less than sixty or more than ninety days after
7 enactment of a resolution pursuant to subdivision four of this section,
8 provided, however, that in cases where a town or village general
9 election falls within such period, the referendum question may be
10 considered during a town or village general election.

11 6. Notice of the referendum shall be given to the electors of the
12 local government entity to be dissolved by publication in a newspaper
13 having a general circulation within the boundaries of the entity at
14 least once a week for four consecutive weeks immediately prior to the
15 referendum. The notice shall include, but not be limited to:

16 (a) a summary of the contents of the resolution and elector initiated
17 dissolution plan;

18 (b) a statement as to where may be examined a copy of the resolution
19 and elector initiated dissolution plan;

20 (c) the time and place or places at which the referendum will be
21 held, in accordance with subdivision five of this section; and

22 (d) such other matters as may be necessary to call, provide for and
23 give notice of the referendum and to provide for the conduct thereof and
24 the canvass of the returns thereupon.

25 7. In a referendum held pursuant to this section, the referendum
26 question shall be placed before the electors of the local government
27 entity to be dissolved in a form reading substantially as follows:

28 "The voters of the (insert type and name of local government entity to
29 be dissolved) having previously voted to dissolve, shall the elector
30 initiated dissolution plan take effect?

31 YES _____

32 NO _____"

33 8. The elector initiated dissolution plan shall not take effect
34 unless a majority of the electors voting in the local government entity
35 to which the petition applies votes in favor of dissolution. If such a
36 majority vote does not result, the referendum shall fail and dissolution
37 shall not take effect.

38 § 786. Court-ordered dissolution; judicial hearing officer. 1. If
39 the governing body of a local government entity with a duty to prepare
40 and approve a proposed elector initiated dissolution plan pursuant to
41 section seven hundred eighty-two of this title fails to prepare and
42 approve such plan or is otherwise unable or unwilling to accomplish and
43 complete the dissolution pursuant to the provisions of this article,
44 then any five electors who signed the petition seeking dissolution may
45 commence a special proceeding against the entity pursuant to article
46 seventy-eight of the civil practice law and rules, in the supreme court
47 within the judicial district in which the entity or the greater portion
48 of its territory is located, to compel compliance with the provisions of
49 this article.

50 2. If the petitioners in such special proceeding shall substantially
51 prevail, then the court shall issue an injunction ordering the governing
52 body to comply with the applicable provisions of this article. If the
53 governing body violates the injunction, the court shall appoint a hear-
54 ing officer pursuant to article forty-three of the civil practice law
55 and rules to hear and determine an elector initiated dissolution plan

A. 8501

25

1 for the entity that complies with the provisions of subdivision two of
2 section seven hundred eighty-two of this title.

3 3. The final determination of the judicial hearing officer shall
4 constitute the final approval of the elector initiated dissolution plan
5 and provide that such plan takes effect forty-five days after the filing
6 of such determination, unless a petition for a permissive referendum is
7 properly filed pursuant to section seven hundred eighty-five of this
8 title.

9 4. In any proceeding pursuant to this section in which the petition-
10 ers substantially prevail, the costs of such proceeding, including the
11 costs of any judicial hearing officer appointed pursuant to subdivision
12 two of this section, shall be borne by the local government entity at
13 the rate provided for in article twenty-two of the judiciary law and
14 regulations promulgated pursuant thereto.

15 § 787. Winding down the affairs of a dissolved local government enti-
16 ty. 1. Upon the successful completion of dissolution proceedings pursu-
17 ant to this title, the governing body of the dissolving local government
18 entity shall wind down the affairs thereof, dispose of its property as
19 provided by law, make provisions for the payment of all indebtedness
20 thereof and for the performance of its contracts and obligations, and,
21 if applicable and appropriate under law, levy taxes and assessments as
22 necessary to accomplish the dissolution.

23 2. In furtherance of its duty to wind down the affairs of the local
24 government entity, the governing body shall cause notice to be given, in
25 the same manner as notice for a proposed dissolution plan pursuant to
26 section seven hundred seventy-five of this title, requiring all claims
27 against the dissolving local government entity, excluding any of its
28 outstanding securities, to be filed within a time fixed in the notice,
29 but not less than three months or more than six months, and all claims
30 not so filed shall be forever barred. At the expiration of such time the
31 governing body shall adjudicate claims so filed, and any resident of the
32 entity at the time of the effective date of the dissolution may appear
33 and defend against any claim so filed, or the governing body may in its
34 discretion appoint some person for that purpose.

35 § 788. Effect on actions and proceedings; disposition of records,
36 books and papers. 1. Except as otherwise provided for in this title,
37 no action for or against the local government entity to be dissolved
38 shall abate, nor shall any claim for or against it be affected by reason
39 of its dissolution.

40 2. Upon the dissolution of a local government entity, all its records,
41 books and papers shall be deposited with the town clerk of the town in
42 which the principal portion of such entity is situated, and they shall
43 thereupon become a part of the records of the town.

44 3. Upon the dissolution of a local justice court, all court records of
45 such court shall be deposited with a justice court judge to be desig-
46 nated by the administrative judge of the judicial district within which
47 the dissolving justice court is located. The designated justice court
48 judge shall have authority to execute and complete all unfinished busi-
49 ness.

50 § 789. Effect on existing laws of village. 1. Except as otherwise
51 provided in the dissolution plan or elector initiated dissolution plan,
52 as the case may be, all local laws, ordinances, rules and regulations of
53 a village in effect on the date of the dissolution of such village,
54 including but not limited to zoning ordinances, shall remain in effect
55 for a period of two years following dissolution, as if same had been
56 duly adopted by the town board and shall be enforced by the town within

A. 8501

26

1 the limits of the dissolved village, except that the town board shall
2 have the power at any time to amend or repeal such local laws, ordi-
3 nances, rules or regulations in the manner as other local laws, ordi-
4 nances, rules or regulations of the town.

5 2. If the village has a zoning board of appeals, or a planning board,
6 or both, and the town does not, then upon dissolution the town board
7 shall act in place of such board or boards until the town board shall
8 have appointed such board or boards for the town in accordance with the
9 provisions of the town law. Such appointments may be made prior to
10 dissolution, to become effective upon the effective date of dissolution.

11 § 790. Debts, liabilities and obligations. The outstanding debts,
12 liabilities and obligations of the dissolved local government entity
13 shall be assumed by the town in which the dissolved entity was situated
14 and shall be a charge upon the taxable property within the limits of the
15 dissolved entity, collected in the same manner as town taxes. The town
16 board shall have all powers with respect to the debts, liabilities and
17 obligations as the governing body of the dissolved entity possessed
18 prior to its dissolution, including the power to issue town bonds to
19 redeem bond anticipation notes issued by the dissolved entity.

TITLE 4

MISCELLANEOUS PROVISIONS

22 Section 791. Liability of officials and employees.

23 792. Supersession.

24 793. Separability.

25 § 791. Liability of officials and employees. In the absence of fraud,
26 gross negligence or willful misfeasance, no officer or employee of a
27 local government entity shall be held personally liable upon any claim
28 arising from the consolidation or dissolution of a local government
29 entity pursuant to this article or any circumstances connected with such
30 consolidation or dissolution.

31 § 792. Supersession. This article shall supersede and replace all
32 other state and local laws relating to the procedures and requirements
33 for the consolidation and dissolution of local government entities to
34 the extent such laws are not consistent with this article, provided,
35 however, that the provisions of any other state or local law now in
36 effect or hereafter enacted that are less restrictive or burdensome than
37 those provided in this chapter shall govern during the period in which
38 such provisions are in effect. A state or local law that imposes proce-
39 dures and requirements for consolidation and dissolution not addressed
40 by this article is deemed inconsistent.

41 § 793. Separability. If any title, section, subdivision, paragraph or
42 other part of this article shall be adjudged invalid by any court of
43 competent jurisdiction, such judgment shall not invalidate the remainder
44 thereof, but shall be confined in its operation to the part directly
45 involved in the controversy wherein such judgment shall have been
46 rendered.

47 § 3. Section 33-a of the municipal home rule law, as added by chapter
48 708 of the laws of 1970, is amended to read as follows:

49 § 33-a. Transfer of functions or duties of local governments and
50 districts. 1. Subject to restrictions in the constitution, in this
51 article or in any other applicable law, the board of supervisors of any
52 county may, by local law, transfer functions or duties of the county or
53 of the cities, towns, villages, districts or other units of government
54 wholly contained in such county to each other, or for the abolition of
55 one or more [~~offices, departments or agencies of such units of govern-~~
56 ~~ment when all their functions or duties are so transferred~~] units of

A. 8501

27

1 government, including but not limited to offices, departments or agen-
2 cies thereof, when the level and quality of ongoing services of all
3 their functions or duties are transferred.

4 2. Any such local law, or an amendment or repeal of one or more
5 provisions thereof which would have the effect of transferring or abol-
6 ishing a function or duty of the county or of the cities, towns,
7 villages, districts or other units of government wholly contained in the
8 county, shall not become operative unless and until it is approved at a
9 general election or at a special election, held in the county by receiv-
10 ing a majority of the total votes cast thereon: (a) in the area of the
11 county outside of cities and (b) in the area of cities of the county, if
12 any, considered as one unit, and if it provides for the transfer of any
13 function or duty to or from any village or for the abolition of any
14 office, department, agency or unit of government of a village wholly
15 contained in the county, it shall not take effect unless it shall also
16 receive a majority of all the votes cast thereon in all the villages so
17 affected considered as one unit. Such a local law, amendment or repeal
18 thereof, shall provide for its submission to the electors of the county
19 at the next general election or at a special election, occurring not
20 less than sixty days after the adoption thereof by the board of supervi-
21 sors.

22 § 4. Subdivision 2 of section 57 of the town law is REPEALED and
23 subdivisions 3, 4, 5, 6, 7 and 8 are renumbered subdivisions 2, 3, 4, 5,
24 6 and 7.

25 § 5. Paragraph (e) of subdivision 1 of section 81 of the town law is
26 REPEALED, paragraphs (f) and (g) of such subdivision are relettered
27 paragraphs (e) and (f) and a new subdivision 5 is added to read as
28 follows:

29 5. A proposition for the consolidation or dissolution of a town or
30 district shall be noticed, conducted, canvassed and otherwise held
31 pursuant to, and in accordance with, the provisions of article seven-
32 teen-A of the general municipal law; and a petition to consolidate or
33 dissolve a town or district shall be subscribed, authenticated and
34 otherwise governed pursuant to, and in accordance with, that article.

35 § 6. Subdivisions 1 and 2 of section 174 of the town law, subdivision
36 1 as amended by chapter 451 of the laws of 1937, paragraph a of subdivi-
37 sion 1 as amended by chapter 511 of the laws of 1974 and subdivision 2
38 as amended by chapter 77 of the laws of 1997, are amended to read as
39 follows:

40 1. [~~a~~] Whenever a fire district shall be established, within ten
41 days thereafter the townboard of the town in which such district is
42 located or, in the case of a district including territory in two or more
43 towns, the town boards of such towns acting jointly by a majority vote
44 of the members of each of such town boards, shall appoint five fire
45 district commissioners and a treasurer for such district who shall hold
46 their respective offices until the thirty-first day of December next
47 succeeding; provided, however, that if such district be established
48 subsequent to the first day of October in any year, the officers so
49 appointed by the town board shall hold office until the thirty-first day
50 of December of the next succeeding calendar year. A person so appointed
51 as fire district commissioner shall not serve as chief or assistant
52 chief of the fire district fire department after taking his oath of
53 office as such commissioner and during the time he serves as such
54 commissioner pursuant to such appointment. The town clerk shall imme-
55 diately notify the appointees of their appointment and of the time and
56 place which he shall fix for the organization meeting of the board of

A. 8501

28

1 fire commissioners, which meeting shall be held not later than ten days
2 after the appointment of said officers. At such organization meeting,
3 the treasurer shall preside until such time as a chairman of the board
4 of fire commissioners shall be chosen, but such treasurer shall not be
5 entitled to a vote at such meeting. The board of fire commissioners
6 shall appoint a secretary who shall hold office until the thirty-first
7 day of December following the first election of fire district officers.

8 ~~[(b) Whenever two or more fire districts shall have been consolidated,~~
9 ~~pursuant to this article, the several commissioners of each of such~~
10 ~~districts shall constitute the board of fire commissioners thereof and~~
11 ~~the several treasurers of such districts shall serve jointly as the~~
12 ~~treasurers of such consolidated district, until the thirty first day of~~
13 ~~December next succeeding the first election of fire district commission-~~
14 ~~ers and a treasurer for such consolidated district, held pursuant to~~
15 ~~subdivision two of this section. The terms of office of such fire~~
16 ~~district officers of the several districts so consolidated shall termi-~~
17 ~~nate on said thirty first day of December next succeeding such~~
18 ~~election.]~~

19 2. The first election of fire district officers shall be held on the
20 second Tuesday in December next succeeding the establishment or consol-
21 idation of such fire district; provided, however, that if such district
22 be established [~~or consolidated~~] at a time subsequent to the first day
23 of October in any year, the first election of fire district officers
24 shall be held on the second Tuesday in the month of December of the next
25 succeeding calendar year. At the first annual election of fire district
26 officers, five district commissioners shall be elected and a treasurer.
27 The person receiving the greatest number of votes for the office of fire
28 commissioner shall be elected for a term of five years; the person
29 receiving the second highest number of votes shall be elected for a term
30 of four years; the person receiving the third highest number of votes
31 shall be elected for a term of three years; the person receiving the
32 fourth highest number of votes shall be elected for a term of two years
33 and the person receiving the fifth highest number of votes shall be
34 elected for a term of one year. In the event that two persons shall
35 receive the same number of votes the terms of office shall be decided by
36 lot. At each subsequent election of fire district officers a commission-
37 er shall be elected for the full term of five years. In the event that
38 two or more persons receive the same number of votes thereat, a special
39 election between the tying parties receiving the highest number of votes
40 to fill the vacancy shall be held within forty-five days after such
41 election. The fire district treasurer shall be elected for a term of
42 three years. The fire district secretary shall be appointed by the fire
43 district commissioners and shall serve for a period of one year. The
44 fire district secretary in office at the time such election is held
45 shall immediately notify the officers elected of their election and that
46 an organization meeting will be held on the day specified in said
47 notice, which shall not be later than the fifteenth day of January next
48 ensuing. At such organization meeting, the treasurer shall preside until
49 such time as a chairman of the board of fire commissioners shall be
50 chosen, but such treasurer shall not be entitled to a vote at such meet-
51 ing.

52 § 7. Subdivision 1 of section 176 of the town law, as amended by chap-
53 ter 94 of the laws of 1966, is amended to read as follows:

54 1. Shall elect one of their members as chairman at the first meeting
55 of fire commissioners after such district shall have been established
56 [~~or consolidated~~] and annually thereafter at the first meeting thereof

A. 8501

29

1 following each election of fire district officers. Such chairman, when
2 present, shall preside at the meetings of the board of fire commission-
3 ers. In the absence of the chairman the other members may designate one
4 of their members to act as temporary chairman.

5 § 8. Section 189-e of the town law, as added by chapter 241 of the
6 laws of 1988, is amended to read as follows:

7 § 189-e. Management of affairs of joint fire districts. Subject to the
8 restrictions hereinafter established, the property and affairs of joint
9 fire districts shall be under the management and control and in charge
10 of a board of not less than three and not more than seven commissioners,
11 appointed by the town board of the town or the town boards of the towns
12 and the board of trustees of the village or the boards of trustees of
13 the villages in joint session as hereinafter provided, or elected as
14 provided in article eleven of this chapter, as may be determined by
15 resolution adopted at the meeting for the establishment of the district
16 in the same manner as the resolution for the establishment of the
17 district is adopted; or as may be determined by a joint consolidation
18 agreement or elector initiated consolidation plan in accordance with
19 article seventeen-A of the general municipal law. In case it is deter-
20 mined that the commissioners shall be selected in the manner provided by
21 article eleven of this chapter, the appointments as provided for in
22 subdivision one of section one hundred seventy-four of this chapter
23 shall be made by the town board, or, if the district includes territory
24 in more than one town, by the town board of all of the towns at a joint
25 session held at one location within the district and thereafter
26 elections shall be held as provided in article eleven of this chapter
27 except that the terms of the commissioners shall be as hereinafter
28 provided. They shall be residents of such district and in case selection
29 is made as provided in article eleven of this chapter there shall be no
30 other residential requirement, but otherwise if there are an even number
31 of commissioners not more than half at any time shall be residents of
32 such village or villages and if there are an odd number, the number that
33 are residents of such village or villages shall not exceed the number
34 that are residents of such town or towns by more than one. First
35 appointments hereunder shall be made in the following manner: If there
36 be three commissioners, the term of one shall expire one year, of another
37 two years and of the other three years from the then next ensuing
38 thirty-first day of December, and thereafter one shall be appointed
39 annually for a term of three years from the date of the expiration of
40 the term of his predecessor. If there be four commissioners, the term of
41 one shall expire one year, of another two years, of another three years,
42 and of the other four years from the then next ensuing thirty-first day
43 of December, and thereafter one shall be appointed annually for a term
44 of four years from the date of the expiration of the term of his prede-
45 cessor. If there be five commissioners, the term of one shall expire one
46 year, of another two years, of another three years, of another four
47 years, and of the other five years from the then next ensuing thirty-
48 first day of December, and thereafter one shall be appointed annually
49 for a term of five years from the date of the expiration of a term of
50 his predecessor. If there be six commissioners, the term of one shall
51 expire one year, of another two years, of another three years, of another
52 four years, and of the remaining two, five years from the then next
53 ensuing thirty-first day of December, and thereafter appointments shall
54 be made for a term of five years from the date of the expiration of the
55 term of each commissioner. If there be seven commissioners, the term of
56 one shall expire one year, of another two years, of another three years,

A. 8501

30

1 and of two of the others four years, and of the remaining two, five
2 years from the then next ensuing thirty-first day of December, and ther-
3 eafter appointments shall be made for a term of five years from the date
4 of the expiration of the term of each commissioner. Such board of
5 commissioners may employ necessary labor and assistants, at a compen-
6 sation approved by such boards in joint session. Such commissioners
7 shall receive no compensation for their services, but they and their
8 employees shall be allowed and paid their necessary expenses, payable as
9 expenses of the district.

10 § 9. Subdivision 1 of section 195 of the town law, as amended by chap-
11 ter 522 of the laws of 1954, is amended to read as follows:

12 1. The town clerk shall cause a certified copy of the determination or
13 order of the town board adopted pursuant to the provisions of this arti-
14 cle, or adopted pursuant to the provisions of article seventeen-A of the
15 general municipal law, establishing, extending, dissolving or diminish-
16 ing any district, consolidating districts or increasing the maximum
17 amount proposed to be expended for the improvement in any district or
18 extension thereof, or determining to construct any improvement author-
19 ized by this article, to be duly recorded in the office of the clerk of
20 the county in which the town is located, within ten days after the
21 adoption of such order or determination by the town board, and when so
22 recorded such determination or order shall be presumptive evidence of
23 the regularity of the proceedings for the establishment, extension,
24 dissolution or diminution of such district, of the proceedings insti-
25 tuted for the construction of such improvement and of all other action
26 taken by said town board in relation thereto.

27 Within ten days after the adoption of a determination or order by the
28 town board establishing, extending, dissolving or diminishing a
29 district, or consolidating districts, the town clerk shall cause a
30 certified copy thereof to be filed in the office of the state department
31 of audit and control at Albany, New York.

32 § 10. Subdivision 1 of section 202-c of the town law, as amended by
33 chapter 37 of the laws of 2000, is amended to read as follows:

34 1. ~~Upon a petition, as hereinafter provided, the~~ The town board of
35 any town may dissolve and discontinue ~~[any lighting, snow removal, water~~
36 ~~supply, or refuse and garbage district or a sewer district in which no~~
37 ~~sewer system has been constructed, provided that there be no indebt-~~
38 ~~edness, outstanding and unpaid, incurred to accomplish any of the~~
39 ~~purposes of such district]~~ those districts described hereinafter pursu-
40 ant either to the provisions of article seventeen-A of the general
41 municipal law or the procedures provided in this section.

42 1-a. Upon a petition, the town board of any town may dissolve and
43 discontinue any lighting, snow removal, water supply, or refuse and
44 garbage district or a sewer district in which no sewer system has been
45 constructed, provided that there be no indebtedness, outstanding and
46 unpaid, incurred to accomplish any of the purposes of such district.

47 Such petition shall be signed by ~~[resident owners of taxable real prop-~~
48 ~~erty aggregating at least one half of all the taxable real property of~~
49 ~~the district owned by resident owners according to the latest completed~~
50 ~~assessment roll of the town, and acknowledged or proved in the same~~
51 ~~manner as a deed to be recorded, or]~~ at least ten percent or five thou-
52 sand, whichever is less, of the registered voters in this state regis-
53 tered to vote in such district and authenticated in the manner provided
54 by the election law for the authentication of nominating petitions.
55 When any such petition containing the required signatures shall have
56 been presented, the town board shall adopt an order and enter the same

A. 8501

31

1 in the minutes of its proceedings, reciting in general terms the filing
2 of the petition, and specifying the purpose thereof, the name and bound-
3 aries of the district and the time when and place where said board will
4 meet to consider the petition and to hear all persons interested in the
5 subject thereof concerning the same. If the petition shall propose that
6 the area of the district be diminished, the order shall also describe
7 the portion of the district to be eliminated. The board shall cause a
8 copy of such order, certified by the town clerk, to be published at
9 least once in the official paper, the first publication thereof to be
10 not less than ten nor more than twenty days before the day set therein
11 for the hearing as aforesaid, and shall cause a copy thereof to be post-
12 ed on the sign board of the town maintained pursuant to subdivision six
13 of section thirty of this chapter not less than ten nor more than twenty
14 days before the day designated for the hearing as aforesaid. If the town
15 board shall determine, after such hearing and upon the evidence given
16 thereat, that it is in the public interest to dissolve the district or
17 to diminish the area thereof, the town board shall adopt an order
18 accordingly dissolving the district or diminishing its area. If there
19 are any contracts to accomplish the purpose of such district in force
20 and effect, the town board shall not dissolve such district, nor dimin-
21 ish the area thereof, prior to the expiration of such contracts. If the
22 district dissolved be wholly within a village incorporated since said
23 district was formed and prior to April first, nineteen hundred sixty-
24 five, all of the property of such district shall be and become the prop-
25 erty of such village and such village upon delivery thereof, shall
26 assume and pay all of the debts of such district. If the district shall
27 not be wholly included within the limits of any village incorporated
28 since said district was formed, all the property of such district shall
29 become the property of the town and such town upon delivery thereof,
30 shall assume and pay all the debts of such district.

31 § 11. Subdivision 2 of section 208-b of the town law is REPEALED, and
32 subdivisions 3, 4, 5, 6, 7 and 8 are renumbered subdivisions 2, 3, 4, 5,
33 6 and 7.

34 § 12. Subdivision 2-a of section 2-254 of the village law is amended
35 to read as follows:

36 2-a. If the limits of a village incorporated prior to the first day of
37 April, nineteen hundred sixty-five are coterminous with the limits of,
38 or wholly include the territory of, a district, the board of trustees of
39 the village, by local law or pursuant to the provisions of article
40 seventeen-A of the general municipal law, may abolish any such district.
41 In addition to any other notice required in connection with the adoption
42 of such local law generally, thirty days' written notice of the hearing
43 to be held in connection with such local law shall be given to the
44 governing body of any such district and to the town clerk. A certified
45 copy of any such local law shall be served upon or mailed to such
46 governing body and clerk within five days following the adoption there-
47 of. Except as otherwise provided in this section, the powers and duties
48 of the governing body of a district so abolished and of all the officers
49 of the district in connection therewith shall cease and determine upon
50 the effective date of such local law and any board of commissioners, any
51 office of commissioner and any other office of any such district shall
52 also cease to exist at such time. No such local law shall become effec-
53 tive except on the last day of a fiscal year of the town or district, as
54 the case may be.

55 § 13. Paragraph (c) of subdivision 2 and subdivision 3 of section
56 9-912 of the village law are REPEALED, paragraphs (d) and (e) of subdi-

A. 8501

32

1 vision 2 are relettered paragraphs (c) and (d), and subdivision 4, as
2 renumbered by chapter 434 of the laws of 1977, is renumbered subdivision
3 3 and amended to read as follows:

4 3. A special election for submission of a proposition shall be
5 noticed, conducted, canvassed and otherwise held in the same manner as a
6 general village election; provided, however, that a proposition for the
7 consolidation or dissolution of a village shall be noticed, conducted,
8 canvassed and otherwise held pursuant to, and in accordance with, the
9 provisions of article seventeen-A of the general municipal law.

10 § 14. Article 5-B and sections 172, 172-b, 172-d, 185, 189-c, 206,
11 206-a and 209-r of the town law, and sections 18-1806, 18-1808, 18-1810,
12 18-1812, 18-1814, 18-1816 and 18-1818 and article 19 of the village law
13 are REPEALED.

14 § 15. Subdivision 21-a of section 2.00 of the local finance law, as
15 added by chapter 778 of the laws of 1957, is amended to read as follows:

16 21-a. The term "full valuation", when used in relation to real proper-
17 ty subject to taxation by a fire district, shall mean the valuation
18 which is derived by dividing the assessed valuation of the real property
19 concerned, as shown by the last completed assessment roll for the fire
20 district, by the town equalization rate established by the authorized
21 state officer or agency for such roll. Where, in the case of a newly-
22 created fire district, there is no completed assessment roll for such
23 fire district, full valuation shall be determined from the last
24 completed ~~assessment~~ assessment roll upon which the real property
25 included within the district was assessed for town purposes prior to
26 such creation. Where, after the boundaries of a fire district shall
27 have been changed so that real property subject to taxation for fire
28 district purposes shall have been thereby added to or subtracted from
29 the area of the fire district, there is no completed assessment roll for
30 the fire district as so changed, full valuation shall be determined from
31 the last completed assessment roll upon which the real property included
32 in the fire district after such change was assessed prior to such change
33 for town or fire district purposes, as the case may be. For the purpose
34 of contracting indebtedness or for the purpose of preparing debt state-
35 ments, the assessment rolls referred to in this subdivision shall mean
36 such assessment rolls as completed, verified and filed by the assessors.
37 Where two or more fire districts consolidate to form one fire district
38 ~~[pursuant to section one hundred seventy two of the town law,~~ the
39 consolidated fire district, for the purpose of this subdivision, shall
40 not be deemed a newly-created fire district, but shall be deemed an
41 existing fire district and its full valuation shall be determined
42 accordingly.

43 § 16. Subdivision 2 of paragraph d of section 24.00 of the local
44 finance law, as amended by chapter 735 of the laws of 1954, is amended
45 to read as follows:

46 2. In the case of the establishment of any improvement district of a
47 county or of a town, which is to be financed by taxes or assessments
48 levied upon an ad valorem or benefit basis, or in the case of the
49 consolidation of special improvement districts ~~[pursuant to section two~~
50 ~~hundred six of the town law]~~, prior to the first levy in which such
51 taxes or assessments are to be levied for such district or consolidated
52 district the county or town, as the case may be, may issue tax antic-
53 ipation notes for the necessary expenses incidental to the creation of
54 such district or consolidation of such districts, and the other neces-
55 sary expenses incurred or to be incurred for such district or consol-
56 idated district prior to such levy.

A. 8501

33

1 § 17. Paragraphs (d) and (e) of subdivision 6 of section 209-q of the
2 town law, as added by chapter 567 of the laws of 1973, are amended to
3 read as follows:

4 (d) The town clerk shall cause a certified copy of any resolution or
5 order adopted pursuant to paragraph (c) of this subdivision, subdivision
6 five or paragraph (c) of subdivision eight of this section[~~, or section~~
7 ~~two hundred nine r of this chapter~~] to be duly recorded in the office of
8 the clerk of the county in which the town is located within ten days
9 after the adoption of such resolution, or within ten days of the receipt
10 of notification of the approval of the state comptroller where such
11 approval is required by subdivision five or subdivision thirteen of this
12 section. When so recorded, such resolution shall be presumptive evidence
13 of the regularity of the proceedings and actions taken by the town board
14 in relation thereto.

15 (e) Any interested person aggrieved by any resolution or order adopted
16 pursuant to paragraph (c) of this subdivision, subdivision five or para-
17 graph (c) of subdivision eight of this section[~~, or section two hundred~~
18 ~~nine r of this chapter~~] may review the same by a proceeding pursuant to
19 article seventy-eight of the civil practice law and rules provided such
20 proceeding is commenced within thirty days from the date of the record-
21 ing of the certified copy of the resolution or order in the office of
22 the county clerk. Any such resolution or order shall be final and
23 conclusive unless a proceeding pursuant to article seventy-eight of the
24 civil practice law and rules has been commenced within thirty days from
25 the date of recording thereof. No review shall be had unless at the time
26 the proceeding is commenced the interested person seeking the review
27 shall give an undertaking approved by the supreme court, or a justice
28 thereof, as to form, amount and sufficiency of sureties, that, in the
29 event of failure to modify such resolution or order he or they will pay
30 to the town board all costs and expenses as are incurred by it on
31 account of the said proceeding as shall be determined by the court. In
32 the event that upon such review there shall be any modification by the
33 court of such resolution the court shall direct the modification thereof
34 by order which shall be final and conclusive and such town board shall
35 cause such order to be recorded and filed in the same place and manner
36 as was the resolution or order appealed from.

37 § 18. Savings clause. Notwithstanding the repeal or amendment of any
38 law by this act, nothing in this act shall be construed to impair the
39 consolidation or dissolution of any local government entity pursuant to
40 any such repealed or amended law if there was commenced in or for such
41 local government entity prior to the effective date of this act a
42 consolidation or dissolution proceeding pursuant to such law, in which
43 event the provisions of such former law shall govern such proceeding as
44 though such former law had not been repealed hereby.

45 § 19. This act shall take effect on the two hundred seventieth day
46 after it shall have become a law.