

POLICY BRIEF

Dissolving Village Government in New York State

*A Symbol of a Community in
Decline or Government
Modernization?*

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Prospect (Oneida County) voted to dissolve in 2015.

ABOUT THE AUTHOR

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Dissolving Village Government in New York State

*Community signs in
Williamsville (Erie County).*

Residents in a growing number of New York villages are contemplating the question of whether to retain their village's incorporated status or to dissolve into the surrounding town (or towns). This policy brief briefly examines the impetus behind New York State's push to dissolve village governments and the passage of the New N.Y. Government Reorganization and Citizen Empowerment Act in 2010. An evaluation of the data reveals that there has been an uptick in the number of villages voting on dissolution, and the success rate (as measured by percentage of referendum approved) is lower under the new provisions. From a state-level perspective, the dissolution and consolidation of village and town governments makes fiscal sense. By examining local responses to the dissolution debate and by visiting villages that have debated the dissolution question, I identify some of the noneconomic reasons why village residents are often reluctant to dissolve and the significant role that community symbols and functions play in the narrative framing of the dissolution debate. For evidence-based policymakers, a better understanding of community perceptions is an important part of the puzzle, helping to explain why residents more frequently reject dissolution as symbolic of community decline than embrace it as a pathway to modernization and lower taxes.

Why Is There a Push to Dissolve Village Governments?

The New N.Y. Government Reorganization and Citizen Empowerment Act (the Empowerment Act) passed in 2010, making it easier for citizens to initiate municipal dissolution and consolidation.¹ The impetus behind the Empowerment Act is widespread agreement that New York — with four levels of governments providing general services (counties, cities, towns, and villages), all exercising similar functions and authority — simply has too many governments, and that these extra layers contribute to higher-than-necessary property taxes. Dissolving or consolidating local governments may be initiated in one of two ways: by act of the local governing body or by citizen petition. By making it easier for citizens to initiate the reorganization process, the Empowerment Act theoretically enables citizens to pursue municipal reorganization when local elected officials are reluctant to do so.

There are several reasons as to why villages, specifically, are the municipal unit most frequently targeted for dissolution under the Empowerment Act. First, villages are municipalities within a municipality. When villages dissolve, village property and administration is transferred to the surrounding town(s) of which they are already a part.² Unlike cities, villages are a part of the town (or towns) in which they are located; village residents already pay taxes and take part in the elections of both the village and town. Second, two-thirds of New York's villages have populations of less than 3,000 (according to 2010 census data) and many already share significant services with their town(s). Most importantly, villages are the only municipality which, under state law, can be incorporated or dissolved by *purely* local action — that is, by a vote of its residents and without the input of town-outside-of village voters, and without county- or state-level approval. Whereas village-town consolidations require the approval of the residents of both units, dissolution can be achieved by a vote of village residents alone.

The Empowerment Act sought to ease the pathway for citizen-initiated reorganization in two ways: First, it lowered the petition threshold required to place the consolidation or dissolutions of local government on the ballot.³ Second, for citizen-initiated



A sign on the door of Macedon's former village hall informs residents that the village has been officially dissolved, directing all business and inquiries to the Macedon Town Hall. The village of Macedon (Wayne County) dissolved effective March 31, 2017.

dissolutions, the Empowerment Act dispensed with a study requirement prior to the citizens' vote. Once dissolution has been approved by the voters, the village board has 210 days to prepare and approve a dissolution plan, with an additional 35-90 days for public hearings. After the board has approved the finalized plan, there is a 45-day window in which citizens may petition for a permissive referendum — essentially forcing a revote on the question of whether or not to move forward with the dissolution.

The Empowerment Act, accompanied by other state-level incentives, encouraged local residents to consider reorganizing. The Local Government Citizens Re-Organization Empowerment Grants (CREG) program, enacted in 2009, funds both the study and implementation of reorganization. In 2011, New York passed the Citizen Empowerment Tax Credit (CETC), which provides tax relief to communities that have approved dissolution.⁴ A property tax cap, enacted in 2011 and made permanent in 2019, restricts year-to-year increases in the tax levy by local governments to 2 percent, or the rate of inflation, whichever is less.⁵ Alongside the Empowerment Act, these measures provide incentives and create pressure for local government to share services or find efficiencies that may be a first step toward dissolution or consolidation of municipal units.

Has the Empowerment Act Been Successful?

Since 2010, there have been 41 referenda under the Empowerment Act, 17 of which resulted in the decision to dissolve.⁶ Among the 17 successful dissolutions, 12 (70 percent) were citizen-initiated. The Empowerment Act has succeeded in at least three ways:

1. by making it easier for dissolution to get on the ballot;
2. by shortening the length of the study process (which often dragged on or stalled out); and
3. by facilitating an increase in the number of communities putting dissolution to a public vote, producing an uptick in the number of recent dissolutions (see [Figure 1](#)).

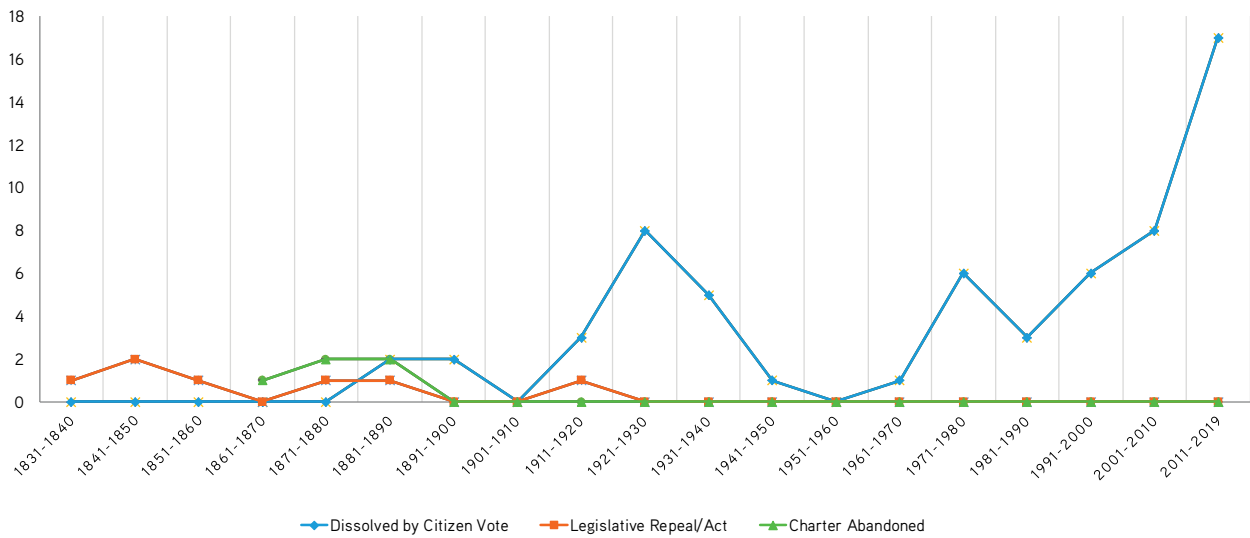
Under its revised provisions, an average of 4.5 villages have voted on the dissolution question per year, compared to an average of .76 under the prior dissolution procedures in effect from 1972-2010 (see [Figure 2](#)).

However, a closer look at the data demonstrates that the overall success rate of the Empowerment Act (41 percent) is actually lower than it was under previous procedures, which saw 64 percent of dissolution referenda approved by the voters. Why is this? One reason is that, under the old law, which required that a study

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FIGURE 1. Village Dissolutions by Decade, 1831-2019



be conducted prior to a public referendum, dissolution often stalled out — that is, dissolution reached the ballot only when there was widespread consensus and local elected officials supported the question being put before the voters. Another reason is that the Empowerment Act changed the process for citizen-initiated dissolutions so that the vote on whether to dissolve comes *before* the study process and the development of a dissolution plan. There was a reason for this reversed sequence in citizen-initiated dissolution efforts: to allow residents to *command* local elected officials to devise a dissolution plan consistent with their will to reduce costs. In so doing, the process became vulnerable to the counternarrative that voters are asked to make an uninformed choice at the ballot box. Finally, even though most dissolution studies find that dissolving would produce some potential savings to village residents (often accompanied by small-to-modest increases to the town residents outside of the village, who do not have a vote on the matter), residents are often unpersuaded, fearing a corresponding loss or diminution of services. And, even where there were anticipated savings, the public debate often shifts to concern for intangibles such as preserving community history and shared identity.

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Why Are Village Residents Often Reluctant to Dissolve?

Dissolution is about more than just the numbers — noneconomic factors and policy narratives matter. Residents and elected officials alike simultaneously understand the debate and deliberately seek to influence its outcome by offering competing narratives as to why dissolution is (or is not) a legitimate policy solution to whatever ills the

FIGURE 2. The Success Rate of the Empowerment Act as Compared to Previous Dissolution Procedures

Village Dissolutions in New York State (1972-2019)			
Article 19 (1972-2015)		Empowerment Act (2010-19)	
Dissolutions Approved at Referendum	Dissolutions Defeated at Referendum	Dissolutions Approved at Referendum	Dissolutions Defeated at Referendum
27	15	17	24
64%	36%	41%	58%
Average Dissolution Votes Per Year (1972-2010)	.76 (29 over 38 Years)	N/A	N/A
Average Dissolution Votes Per Year (2010-15)	2.6 (13 over 5 years)	Average Dissolution Votes Per Year (2010-15)	4.5 (41 over 9 years)

community is facing. The debate, in other words, includes psychological attachment to the community’s incorporated status as reflective and protective of shared values and interests.

Community Identity and Pride

The unique identity of the place also plays an important role in the framing and saliency of the narratives, making the village itself a character in the drama. These are not hypothetical debates over service delivery structures, but a referendum on the continued incorporation of a specific community to which its residents have a direct and daily connection. In public choice theory, people vote on the type of community in which they want to live based on their choice of residence. Disincorporation causes many residents to feel as though the community’s identity (and their way of life) is being erased, even though municipal dissolution does not, of course, eradicate the physical place, its residents, or the character of the community, as the vibrancy of many of the state’s hamlets demonstrates.

The specific conditions — the population, relative affluence, economic development and opportunities, existing village-town relations, tax burden, property tax base/values, and fiscal stressors — vary considerably among the 500-plus villages across the state. Both community prosperity and blight can play into the debate over dissolution. In more affluent and well-maintained villages, dissolution may be rejected as jeopardizing the quality of services and life. Among other concerns is the loss of zoning authority and code enforcement, which residents view as key to preserving their preferred community identity or character.

In villages that are fiscally stressed, the phenomenon of “aging in place” may be more readily evident. Failing infrastructure and deferred maintenance further stresses the tax base. In many struggling rural villages, the goal has shifted from progress and growth to survival. For residents in fiscally stressed communities, the municipal corporation is one of the last vestiges of the community. Dissolution, in other words, is often viewed by residents as capitulation to decline, a form of municipal death and something to be resisted.



Village history also matters in the creation of a community identity. From the founding mothers and fathers, to the often-romanticized history of key industry and businesses, the power of the past exerts a strong pull on the present. These images, symbols, or icons are often viewed as synonymous with the village corporation. To reject or dissolve the corporation, in other words, is to break with, or reject, the community's past.

The Importance of Municipal Buildings, Signs, and Symbols

Buildings, water towers, public parks, municipal signage, and public spaces are iconographic of the community, fostering a sense of shared identity and boundedness. Village municipal buildings, even if modest, serve a variety of community functions and often share physical space with other vital services, such as the village library or court. When we “look inside” village government, we see the daily interaction of the community and the provision of services which, while seemingly mundane, are essential to the daily life and well-being of the residents. The proximity of village offices to the community's center may be critical to the perception of overall responsiveness and personal attention to residents' concerns. Dissolution may be easier when village, town, and county municipal buildings are all located within the village, sometimes immediately adjacent to one another or in a shared space. In rural villages, where the town buildings and offices may be several miles away, there may be a perception of reduced ease of accessibility.

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Properties along Main Street in Cherry Creek (Chautauqua County) show signs of aging and ill repair. Cherry Creek voted to dissolve in 2017.



A tattered sign in Barneveld (Oneida County) details the village's origins and the history. The village was incorporated as Oldenbarneveld in 1819, renamed as Trenton in 1883, and again renamed as Barneveld in 1995. Barneveld voted to dissolve in 2017. In many dissolutions, where the name of the village and town into which it is dissolved differs, residents may be particularly reluctant to surrender their incorporated status.



A resident enters the Village Office and Library in the village of Richfield Springs (Otsego County). In many communities, village offices share space with other vital services. The village of Richfield Springs rejected dissolution in 2013.

Abandoned village facilities, on the other hand, provide a tangible glimpse as to why residents fear dissolution. These empty places, stripped of their signage, stand as evidence of community decline or failure. While they may be repurposed or sold for the alleviation of debt, the spaces are a reminder of a more prosperous past.

Fire, Police, and Emergency Services: Protecting and Serving the Community

Among the most important services of concern for village residents contemplating dissolution are police, emergency, and fire protection. Not all villages maintain a dedicated police force but, for those that do, it is one of the village's largest expenditures. The major points of controversy over police, fire, and emergency services include:

1. personnel issues, including job loss for displaced police officers and firefighters, many of whom are village residents with social or familial ties to the community and its governing board;
2. the potential diminution of services, including longer response times or less personalized attention to community concerns; and
3. the loss of volunteerism and community-based service.



The former village hall in Forestville (Chautauqua County) was erected in 1971 and now stands empty. The village of Forestville was incorporated in 1848 and voted to dissolve in 2015.



Fire departments and equipment are emblematic of the services provided by the village. The village of Medina (Orleans County) rejected dissolution in 2015.

Moreover, fire, police, and emergency services are highly emblematic of the community: Police, fire, and emergency services have a ceremonial, as well as a functional, purpose and are integral to civic activities and community traditions, including community celebrations and parades.

Festivals, Events and Community Celebrations

Closely associated with the symbolic importance of public places and spaces are community events. New York is a state of local celebrations, ranging from regularized gatherings (farmer's markets, concerts, and lecture series) to annual parades, community days, and centennials. Such publicly sponsored events are critical to community identity. Residents justify the higher taxes associated with living in a village as a worthwhile price to pay for the social amenities and lifestyle reflected in, and reinforced by, ritual community celebrations.



A weekly summer farmers' market in the village of Williamsville (Erie County). The village of Williamsville voted against dissolution in 2010. Preserving quality of life and the current level of services and amenities was an issue for many residents of this upscale, affluent community.



In 1853, the Erie and New York City Railroad Company abandoned work on a rail line that was to pass through the town of Randolph, connecting to the city of Jamestown. The former village of Randolph (Cattaraugus County) dissolved in 2010, along with the neighboring villages of East Randolph and Perrysburg. Limestone, in the neighboring town of Carrolton, dissolved in 2009.

These celebrations are integral to a community's identity. In many villages, the memorialization of history is reflected in signage (i.e., historical main street, or historic districts), and through museums, heritage centers, and community artwork. These efforts connect the past to the present, fostering a shared sense of belonging and experience. Reclaiming the past extends beyond intermittent displays and represents intentional, active, ongoing efforts at community revitalization and the promotion of heritage tourism.

The Future of Village Dissolution

The popularized view of municipal development is one of accumulation and growth: Communities arise first as a populated crossroad, progressing to hamlet, to village, and then to city, driven by a growing population, economic forces, entrepreneurialism, commerce, and trade. This narrative of progressive growth and stable maturation creates something of a false benchmark. Many villages were artificial creations founded by prospectors or industrialists as sites for economic endeavors. When the industries that once sustained the community disappeared, the village also stagnated, declined, or (in some cases) altogether disappeared. Villages that dissolved decades ago, in the 1930s-50s, offer an interesting study in contrasts. In some cases, all that is left of the original community are lingering place names and historical markers. Most remain hamlets, populated places with a unique community character, and several remain the town or county seat. A few, like Old Forge (Herkimer County), are thriving as tourist attractions and centers of commercial activity, exhibiting fiscal and community health that surpasses many struggling villages that still retain their incorporated status.

Visiting villages that have been, or are, embroiled in the debate over dissolution provokes important questions about the meaning of progress and the standards by which municipalities may be deemed to be thriving, surviving, or dying. For some residents, dissolution is a retrograde or even municipal death, an ending to be avoided and mourned. Others see dissolving as a path forward, as a way of alleviating their tax burdens, achieving more efficient services, unifying the village and town, and reflecting a modern reality in which incorporation as a village is no longer necessary to the provision of services or community identity.



The village of Brockport (Monroe County) is one of several villages to preserve history through contemporary public art. This mural (above), "Portraits of Our Past" by artist Rick Muto, was dedicated in 2016 and faces Sagawa Park on Erie and Main Streets, where even the street signs below pay homage to the role of the Erie Canal in the development and life of the village.



Endnotes

- 1 The Empowerment Act (General Municipal Law Article 17-A, effective March 21, 2010) provides for the consolidation of towns, villages, fire and fire protection districts, and special improvement districts, and for the dissolution of village governments. Consolidation, the combination of two or more governmental units, requires a petition and a referendum in all units being consolidated. Dissolution (the termination of municipal unit) can be unilateral — thus, villages can be dissolved by vote of village residents alone, whereas town-village consolidation requires approval at a referendum in both the village and town. The reorganization of school districts, city districts, or special districts created under town law are excluded under the Empowerment Act. See <https://www.dos.ny.gov/lg/publications/ConsolidationDissolutionLaw.pdf>.
- 2 Village debt remains with the residents of the former village and is assessed through the creation of a debt district.
- 3 The Empowerment Act provides two avenues for dissolutions to proceed: either through the self-initiation of the governing body or via a citizen-initiated petition. The act also restored the authority of counties to reorganize or abolish local governments, contingent upon the approval of a triple majority (voters within the city, voters outside of the city, and voters within the villages) in a countywide referendum. Board-initiated dissolutions require the development of a proposed dissolution plan prior to a public vote. For citizen-initiated dissolutions, the Empowerment Act lowered the petition threshold from 33 percent to 10 percent of registered village voters or 5,000 electors, whichever is less (for municipalities with less than 500 electors, the requirement is 20 percent) (§779(1) and (2)). The filing of a valid petition requires that dissolution be put up for a referendum (giving officials 30 days to set the date of the election (§779(1)), which then has to be held within the following 60-90 days) (§780(1)). If approved by the voters, the board was then required to develop a proposed dissolution plan. The act gives the governing body 210 days (requiring a meeting within 30 days of the vote and 180 days thereafter) to prepare and approve a final plan (§782(1) and §780(1)). A public hearing (or hearings) on the plan must be held within 35 to 90 days of the board's initial approval, with a final village resolution endorsing the final plan due within 60 days of the last public hearing (§784(3)). Within 45 days of that approval, a second permissive referendum may be compelled upon submission of a valid petition signed by 25 percent of village electors (or 15,000, whichever is less) (§785(2)). The permissive referendum must be held within 120 days (i.e., following verification of the second petition, the governing body had 30 days to adopt a resolution for a permissive referendum, which had to be held 60 to 90 days after its adoption) (§785(4) and (5)). If approved, the dissolution becomes effective on the date specified in the final dissolution plan (§785(1)). Defeat of a dissolution proposal at referendum triggers a four-year moratorium on the filing of another petition (however, the ban would not apply in the event the dissolution plan was defeated in the permissive referendum) (§781(4)).
- 4 The Citizen Empowerment Tax Credit (CETC), enacted in 2011, modified the former municipal merger incentives program. Under the CETC program, local governments involved in a merger (dissolution/consolidation) will receive additional annual aid (equal to 15 percent of the combined amount of real property taxes levied by all of the municipalities involved in the consolidation or dissolution, not to exceed \$1,000,000), provided that consolidation or dissolution has occurred on or after April 1, 2007. The program further mandates that "at least 70% of such aid shall be used for property tax relief."
- 5 The Property Tax Cap can be overridden by a vote of the village board. In 2018, 108 villages (19 percent) enacted local laws to override the property tax cap. While not a "hard cap," New York's property tax cap puts pressure on local officials by making them accountable for local property taxes increases that exceed the state-prescribed cap.
- 6 The village of Brockport (Monroe County) voted twice, rejecting dissolution in 2010 and 2016. Five of the 39 referenda went to a permissive referendum upholding the outcome of dissolution. In addition, 13 referenda initiated under the previous dissolution procedure have also been held since 2010, five of which resulted in a decision to dissolve. This includes the dissolution of the village of Seneca Falls (Seneca County), the largest village in the state to dissolve up until the dissolution of Mastic Beach (Suffolk County) in 2016. Despite being frequently touted as evidence of the Empowerment Act's success, the dissolution of Seneca Falls was initiated and completed under Article 19.



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