

2051

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. CAHILL -- read once and referred to the Committee  
on Ways and Means

AN ACT to amend the state finance law and the village law, in relation  
to coterminous municipalities

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY,  
DO ENACT AS FOLLOWS:

1     Section 1. Subparagraph (ii) of paragraph p of subdivision 10 of  
2     section 54 of the state finance law, as amended by chapter 435 of the  
3     laws of 2012, is amended to read as follows:  
4     (ii) Within the annual amounts appropriated therefor, surviving muni-  
5     cipalities following a consolidation or dissolution occurring on or  
6     after the state fiscal year commencing April first, two thousand seven,  
7     AND ANY NEW COTERMINOUS TOWN-VILLAGE ESTABLISHED AFTER JULY FIRST, TWO  
8     THOUSAND TWELVE THAT OPERATES PRINCIPALLY AS A TOWN OR AS A VILLAGE BUT  
9     NOT AS BOTH A TOWN AND A VILLAGE, shall be awarded additional annual  
10    aid, starting in the state fiscal year following the state fiscal year  
11    in which such [consolidation or dissolution] REORGANIZATION took effect,  
12    equal to fifteen percent of the combined amount of real property taxes  
13    levied by all of the municipalities participating in the [consolidation  
14    or dissolution] REORGANIZATION in the local fiscal year prior to the  
15    local fiscal year in which such [consolidation or dissolution] REORGAN-  
16    IZATION took effect. In instances of the dissolution of a village  
17    located in more than one town, such additional aid shall equal the sum  
18    of fifteen percent of the real property taxes levied by such village in  
19    the village fiscal year prior to the village fiscal year in which such  
20    dissolution took effect plus fifteen percent of the average amount of  
21    real property taxes levied by the towns in which the village was located  
22    in the town fiscal year prior to the town fiscal year in which such  
23    dissolution took effect, and shall be divided among such towns based on  
24    the percentage of such village's population that resided in each such

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

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1 town as of the most recent federal decennial census. In no case shall  
2 the additional aid pursuant to this paragraph exceed one million  
3 dollars. Such additional aid shall be apportioned and paid to the chief  
4 fiscal officer of each eligible municipality on or before September  
5 twenty-fifth of each such state fiscal year on audit and warrant of the  
6 state comptroller out of moneys appropriated by the legislature for such  
7 purpose to the credit of the local assistance fund. [For the purposes of  
8 being eligible for a citizen empowerment tax credit, in addition to any  
9 other municipality which is eligible, a town shall be deemed the surviv-  
10 ing municipality in the case of a town and village existing as of July  
11 first, two thousand twelve, which thereafter, but not before, share a  
12 coterminous boundary. In the case of a town which qualifies for a citi-  
13 zen empowerment tax credit as a result of sharing a coterminous boundary  
14 with a village, the secretary of state is authorized to make rules and  
15 regulations to implement the tax credit in circumstances where the  
16 secretary determines such coterminous nature will result in savings to  
17 taxpayers.]

18 S 2. Clause 2 of subparagraph (i) of paragraph q of subdivision 10 of  
19 section 54 of the state finance law, as amended by chapter 435 of the  
20 laws of 2012, is amended to read as follows:

21 (2) For the purposes of this paragraph, "local government re-organiza-  
22 tion" shall mean the consolidation or dissolution of a local government  
23 entity in accordance with article seventeen-A of the general municipal  
24 law [or the making of the boundaries of a town and village existing on  
25 July first, two thousand twelve coterminous in a manner which would  
26 qualify the town for a citizen empowerment tax credit] OR THE ESTABLISH-  
27 MENT OF A NEW COTERMINOUS TOWN-VILLAGE THAT OPERATES PRINCIPALLY AS A  
28 TOWN OR AS A VILLAGE BUT NOT AS BOTH A TOWN AND A VILLAGE.

29 S 3. Section 17-1700 of the village law, as amended by chapter 960 of  
30 the laws of 1977, is amended to read as follows:

31 S 17-1700 Application. This article shall apply to any village which  
32 has been or may hereafter be incorporated to embrace the entire territo-  
33 ry of a town, TO ANY VILLAGE WHICH HAS ANNEXED OR MAY HEREINAFTER ANNEX  
34 TERRITORY TO EMBRACE THE ENTIRE TERRITORY OF A TOWN, and to any town  
35 which has been or may hereafter be created to be coterminous with any  
36 village.

37 S 4. Subdivision 1 of section 17-1702 of the village law, as amended  
38 by chapter 960 of the laws of 1977, is amended to read as follows:

39 1. The boundaries of a village incorporated OR WHICH HAS ANNEXED  
40 TERRITORY to embrace the entire territory of a town, shall be deemed to  
41 embrace the entire territory of such town as such territory may there-  
42 after be extended, diminished or altered pursuant to law. Whenever the  
43 territory of any other village to which this article applies is  
44 extended, diminished or altered pursuant to law, other than by consol-  
45 idation, then the territory of the town which is coterminous with such  
46 village shall be deemed to be correspondingly extended, diminished or  
47 altered.

48 S 5. Subdivision 1 of section 17-1703 of the village law, as added by  
49 chapter 355 of the laws of 1975, is amended to read as follows:

50 1. Upon the filing of the certificate of incorporation of each [such]  
51 village WHICH HAS BEEN INCORPORATED TO EMBRACE THE ENTIRE TERRITORY OF A  
52 TOWN in the office of the clerk of the town, the town board of such town  
53 shall constitute the interim board of trustees of the village for all  
54 purposes and the supervisor of such town shall be the interim mayor of  
55 such village for all purposes until the first election in such village  
56 of a board of trustees and mayor. Upon the qualification and filing of

1 the oath of office by the mayor and trustees elected in accordance here-  
2 with, the holding of the office, ex officio, of mayor or trustee by any  
3 town officer shall terminate.

4 S 6. Subdivisions 1 and 2 and the opening paragraphs of subdivisions 3  
5 and 4 of section 17-1703-a of the village law, as added by chapter 960  
6 of the laws of 1977, are amended to read as follows:

7 1. In any village as to which a town is created to be coterminous with  
8 such village, AND IN ANY VILLAGE WHICH AFTER JULY FIRST, TWO THOUSAND  
9 TWELVE ANNEXES TERRITORY TO EMBRACE THE ENTIRE TERRITORY OF A TOWN,  
10 there shall be submitted to the voters in such village at the November  
11 general election next preceding the effective date of the creation of  
12 such town OR ANNEXATION OF SUCH TERRITORY, a proposition as follows:  
13 "Shall the local government of operate PRINCIPALLY AS A VILLAGE or  
14 PRINCIPALLY AS A TOWN?" Such proposition shall be presented so that the  
15 choice to be indicated by the voter shall be either "VILLAGE" or "TOWN".  
16 IN ANY VILLAGE WHICH ANNEXED TERRITORY PRIOR TO JULY FIRST, TWO THOUSAND  
17 TWELVE TO EMBRACE THE ENTIRE AREA OF A TOWN, THE BOARD OF TRUSTEES MAY,  
18 UPON ITS OWN MOTION, SUBMIT SUCH A PROPOSITION TO THE VOTERS OF SUCH  
19 VILLAGE AT THE NEXT SUCCEEDING NOVEMBER GENERAL ELECTION.

20 2. Upon the effective date of the creation of the town COTERMINOUS  
21 WITH A VILLAGE, the mayor and the board of trustees of such village  
22 shall constitute respectively the interim supervisor and town board of  
23 such town for all purposes until their successors shall have been  
24 elected and commenced their terms of office as hereinbelow provided for.  
25 All other elected and appointed village officers shall constitute  
26 respectively and corresponding interim officers of such town until their  
27 respective successors shall have been elected or appointed, as the case  
28 may be, and commenced their terms of office as hereinbelow provided for  
29 or as otherwise regularly provided by law.

30 In any case in which the proposition provided for in subdivision one  
31 of this section shall have resulted in favor of the local government  
32 operating principally as a village, the holders of village offices  
33 shall, from and after the effective date of the creation of the town OR  
34 ANNEXATION OF SUCH TERRITORY, by virtue thereof also hold town offices,  
35 as follows:

36 In any case in which the proposition provided for in subdivision one  
37 of this section shall have resulted in favor of the local government  
38 operating principally as a town, then, at the regular village election  
39 next ensuing, all offices to be filled thereat shall be filled for terms  
40 to end at the conclusion of the then current calendar year. The term of  
41 office of each other elected village office shall also end at the  
42 conclusion of said then current calendar year, notwithstanding that any  
43 such term of office originally extended beyond such date. The offices of  
44 supervisor, four town councilmen and two town justices shall be filled  
45 by election as hereinafter provided at the November general election  
46 next following the effective date of the creation of such town OR ANNE-  
47 XATION OF SUCH TERRITORY; all other town offices shall be appointive.  
48 The election of the supervisor, councilmen and justices shall be for  
49 terms of office as follows:

50 S 7. Subdivision 1 of section 17-1714 of the village law is amended to  
51 read as follows:

52 1. For the purpose of enabling such villages to procure federal aid  
53 under the provisions of the national industrial recovery act in the  
54 establishment of hospitals, the board of trustees of any village which  
55 has been or may hereafter be incorporated OR WHICH HAS ANNEXED TERRITORY  
56 to embrace the entire territory of a town, and which is adjacent to a

1 city or town in which a hospital is maintained by a duly incorporated  
2 membership corporation, may acquire by gift or purchase title to lands  
3 in such city or town in trust for hospital purposes. If such land is to  
4 be acquired by gift, the acquisition shall be subject to a permissive  
5 referendum or if such land is to be acquired by purchase, the acquisi-  
6 tion shall be subject to a permissive referendum if it is to be paid  
7 from taxes levied for the fiscal year in which such expenditure is made.  
8 The board may construct and maintain on such land suitable buildings and  
9 equip the same for hospital purposes and, from time to time, enter into  
10 one or more agreements with such membership hospital corporation for the  
11 control and operation thereof, and such board of trustees may accept on  
12 such terms as the president of the United States shall prescribe, any  
13 grants made by him pursuant to the provisions of the said national  
14 industrial recovery act in aid of the establishment of the said hospi-  
15 tal.

16 S 8. Section 17-1735 of the village law, as added by chapter 18 of the  
17 laws of 1977, is amended to read as follows:

18 S 17-1735 Town legislation to carry over. Notwithstanding any general  
19 or special law to the contrary in any village which has been or may  
20 hereafter be incorporated to embrace the entire territory of a town, AND  
21 IN ANY VILLAGE WHICH HAS ANNEXED TERRITORY TO EMBRACE THE ENTIRE TERRI-  
22 TORY OF A TOWN, all local laws, ordinances, resolutions, rules and regu-  
23 lations in effect in such town, on the date of incorporation shall  
24 remain in effect in such village, and such local laws, ordinances,  
25 resolutions, rules and regulations may be amended from time to time by  
26 the town board, and such amendments shall be in effect in such village,  
27 and new local laws, ordinances, resolutions, rules and regulations may  
28 be enacted from time to time by the town board and shall be in effect in  
29 such village, as if the same had been duly adopted by the board of trus-  
30 tees provided, however, that such local laws, ordinances, resolutions,  
31 rules and regulations shall cease to be in effect in the village or any  
32 part thereof when so determined by duly enacted village local law,  
33 resolution, rule or regulation as may be appropriate, or when replaced  
34 by duly enacted village local law, resolution, rule or regulation cover-  
35 ing the same subject matter. Any such local laws, ordinances, resol-  
36 utions, rules or regulations, and any local laws, resolutions, rules or  
37 regulations enacted by any such village, may be administered and  
38 enforced by either such town or such village.

39 S 9. This act shall take effect immediately.