



**Division of Local  
Government Services**

# Intermunicipal Planning

**A Division of the New York Department of State**

June 9, 2017

# Program Review

- Intermunicipal Planning Overview
- Opportunities and Challenges
- Intermunicipal Planning Processes
  - Statutory Authority and State Policy
  - State Assistance Programs
  - Local Implementation
- Examples

# Intermunicipal Planning – Overview

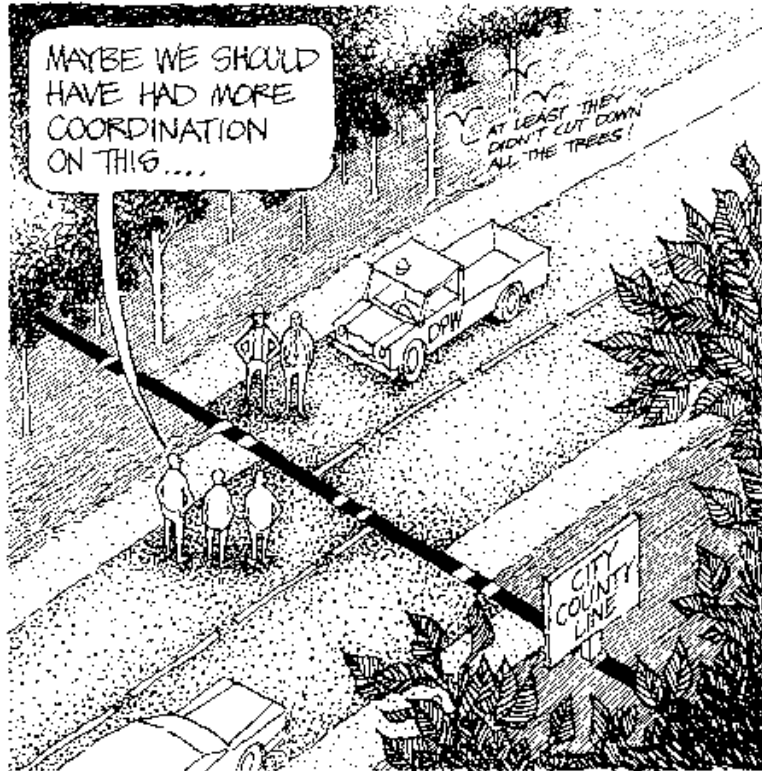
# What is Intermunicipal Planning?

- Intermunicipal planning is the joint effort of two or more municipalities to address a common issue.

Tompkins County, Vital Communities Toolbox



# Why Intermunicipal Planning?



ROGER K. LEWIS  
2-13-93

Used with permission.

A Division of the New York Department of State

- Efficiency and Competitiveness
- Global Versus Local Economy
- Allocation of Costs and Resources
- Demographic Changes
- Environmental Considerations



**NEW YORK**  
STATE OF  
OPPORTUNITY.

**Division of Local  
Government Services**

*The definition of insanity is doing the same thing over and over again and expecting a different result*

*- Albert Einstein -*

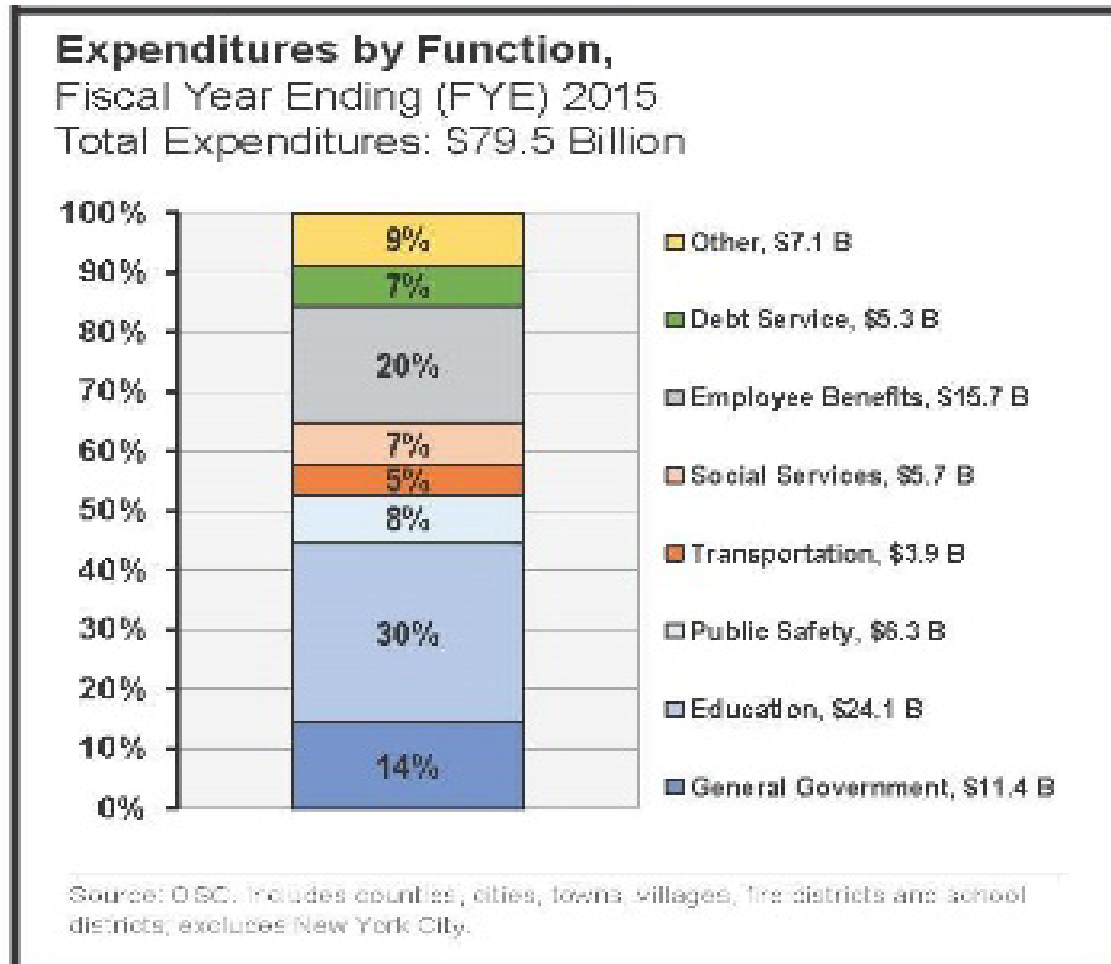
# Intermunicipal Planning – Opportunities and Challenges

# Local Government at a Crossroads?

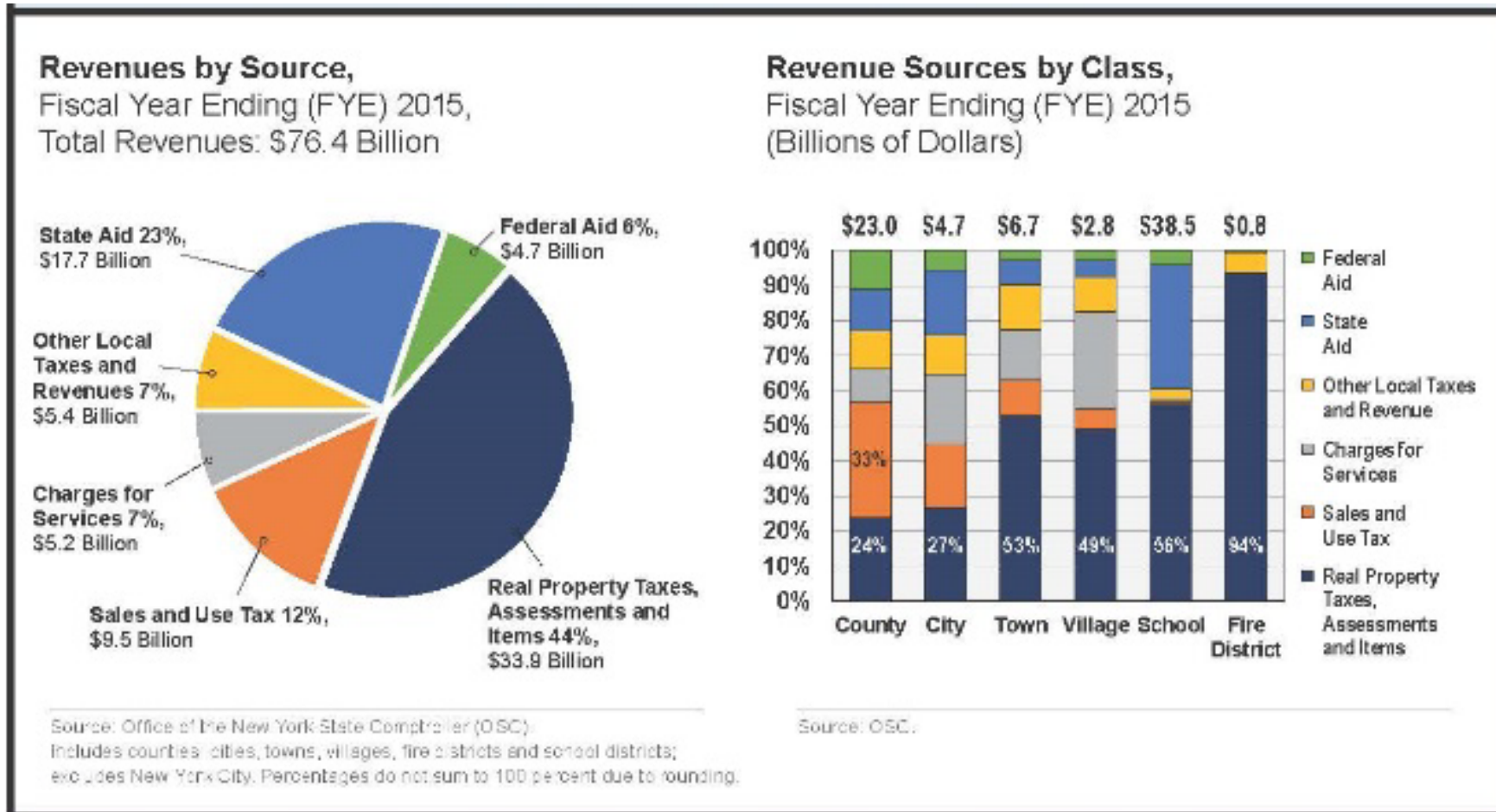
- Expenditures are under pressure
- External revenues have been decreasing
- Redundant/lack of standardized services across local governments
- Municipal responsibilities are becoming increasingly complex
- Indifference in local government participation by citizens
- Demand for new technological solutions from users of services



# Local Government Expenses

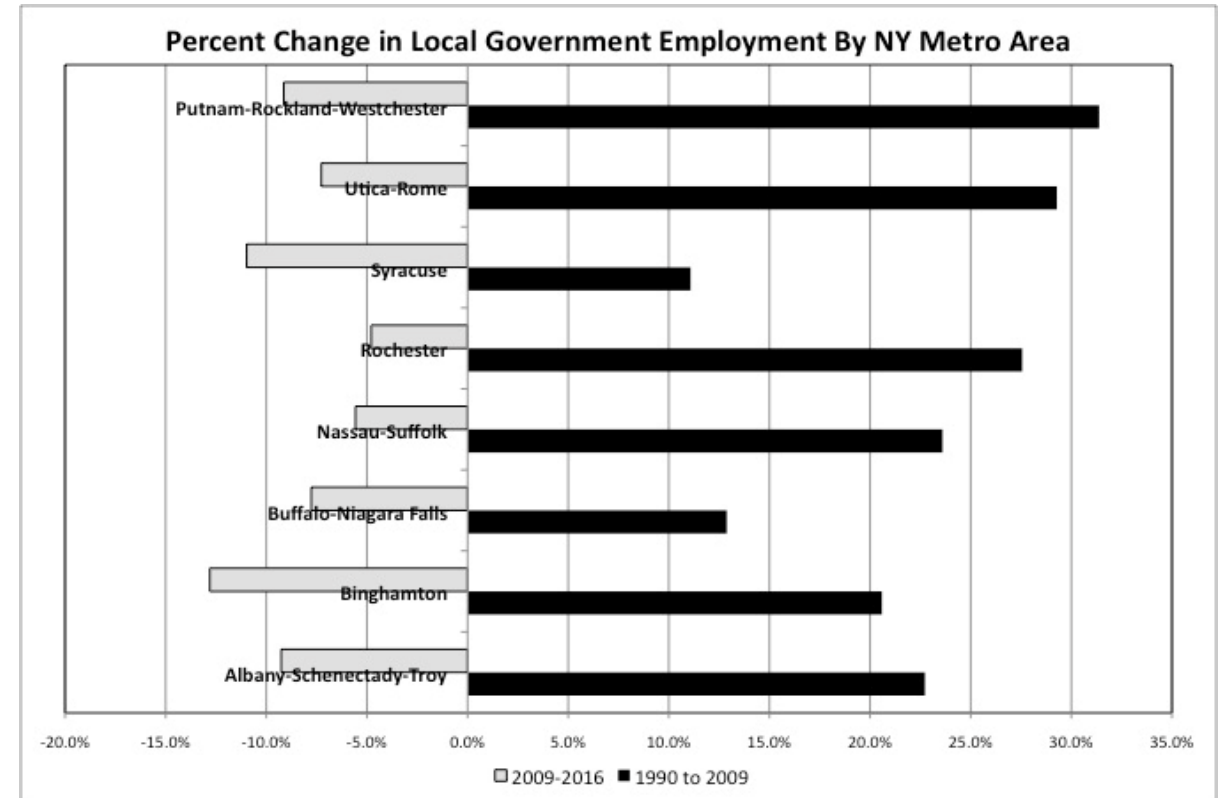


# Local Government Revenues



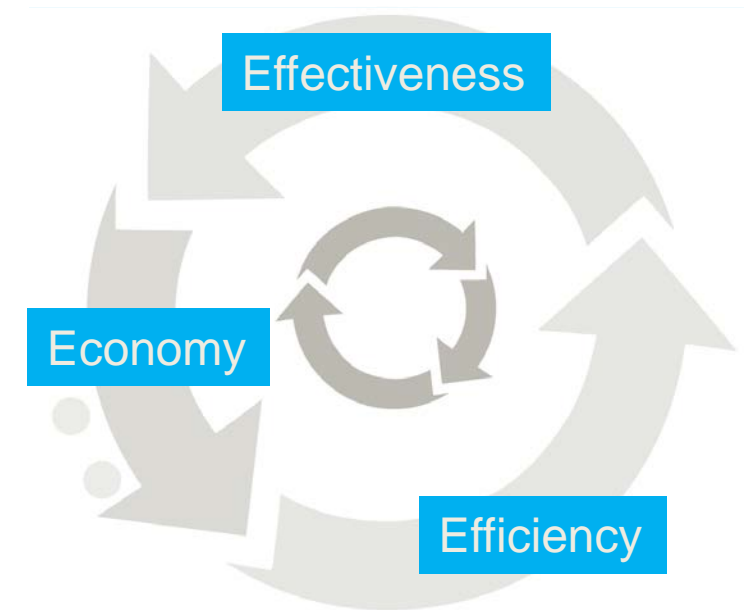
# Local Government Staffing Trend

- Despite recent increases, local government staffs are still less today than in 2009
- Outside of NYC, between 2009-2016
  - School employment fell by 26,800 (7.3%)
  - Other local government fell by 28,300 (9.2%)



# A Business Case for Cooperation

- Economy: Will the shared service reduce the current program's costs now or in the future?
- Efficiency: Will the shared service improve the current delivery of program services?
- Effectiveness: Will the shared service allow local governments to deliver improved quality?



# Challenges



- Can we get along ??
- Will we lose local control or community identity??
- Are my community's concerns going to be considered or overshadowed??
- What about our staff??
- Is there a long-term plan??
- What about the unknowns??

# Benefits

- Efficient use of scarce resources
- Opportunity to leverage skills and assets
- Identification of duplicative services
- Enhanced diversity and equity of service delivery
- Long-term community and financial sustainability



# Intermunicipal Planning – The Agreement

# Statutory Authorization

- NYS Constitution
  - Article IX: Municipalities may perform any function or service jointly which they may perform individually
- General Municipal Law
  - Article 5G - Municipal Cooperation
  - §119-u - Intermunicipal cooperation in comprehensive planning & land use regulation
- Town Law §284
- Village Law §7-741
- City Law §20-g





# Statutory Authorization

- New York State Constitution

- Article IX, Section 1(c)

Local governments shall have power to agree, ..... with one or more other governments .... to provide cooperatively, jointly or by contract any facility, service, activity or undertaking which each participating local government has the power to provide separately.

# Statutory Authorization

- General Municipal Law

- Article 5-G

municipal corporations and districts shall have power to enter into, amend, cancel and terminate agreements for the performance among themselves or one for the other of their respective functions, powers and duties on a cooperative or contract basis or for the provision of a joint service or a joint water, sewage or drainage project.

# Definitions

- “Municipal Corporation”
  - a county outside the City of New York, a city, a town, a village, a board of cooperative educational services, a fire district or a school district. (GML §119-n[a])
- “District”
  - A county or town improvement district for which the county or towns in which such district is located is required to pledge its faith and credit for the payment of debt service on indebtedness issued for purposes of the district (GML §119-n[b])

# Definitions

- “Joint service”
  - ... provision of any municipal facility, service, activity, project or undertaking or the joint performance or exercise of any function or power which each ... has the power ... to provide, ... , separately... ” (GML §119-n[c])

# Definitions

- “Voting strength”
  - “...the aggregate number of votes which all the members of the local governing body of a municipal corporation or district are entitled to cast” (GML §119-n[e])

# Nature of the Agreement

- Identify the local governments involved
- Describe the type of service to be performed
- Explain the reasons for entering into the contract and cite the statutory authority for the arrangement.
- Definitions of key terms in the contract language.

# Joint Agency

If a joint body or agency will administer a joint service, the agreement should:

- Specify the composition of that body
- Method of selection of its members and officers, and their duties
- Spell out the authority and responsibilities of the joint agency
- Number and frequency of its meetings
- Procedures for calling special meetings

# Scope of Service

- Performance standards for the proposed service
- Limitations on the availability
- When the service will be available
- Provisions for increase or reduction of service level



# Personnel

Staffing a joint body or agency

- Each municipality contributes a portion of the work force
- Designation of one local government as employer for all staff
- Reimbursement for costs related to employment of joint staff and admin costs

# Personnel

- Civil Service Law §70(2)
  - Transfer of personnel upon the transfer of function from one governmental entity to another
- Civil Service Law §70(5)
  - Specifically addresses transfer of police personnel
- Civil Service Law §83 through §83-g
  - Provides for the creation of a Police Advisory Board when a consolidation occurs

# Property

## Define ownership of property

- Property acquired as “tenants in common” or “undivided interest”
- Property acquired by one participant, and administered together; or
- Title to the property as joint tenants

## Disposition upon termination of the agreement

# Service Charges

- The amount, times and method of payments
- How charges will be developed
  - Charges may be levied as:
    - flat rates (daily, weekly or otherwise),
    - actual “out-of pocket” expenses,
    - population,
    - assessed valuation, or
    - a combination of these and other factors
- Renegotiation of charges periodically during term

# Liability of the Parties

- IMAs present an opportunity to negotiate and include insurance requirements and indemnification language.
  - Hold Harmless/Indemnification Agreements
  - Insurance Procurement Agreements
- Review IMAs with insurance providers early.
- Review policies from partners to ensure adequate coverage.

# Contract Term, Amendment and Termination

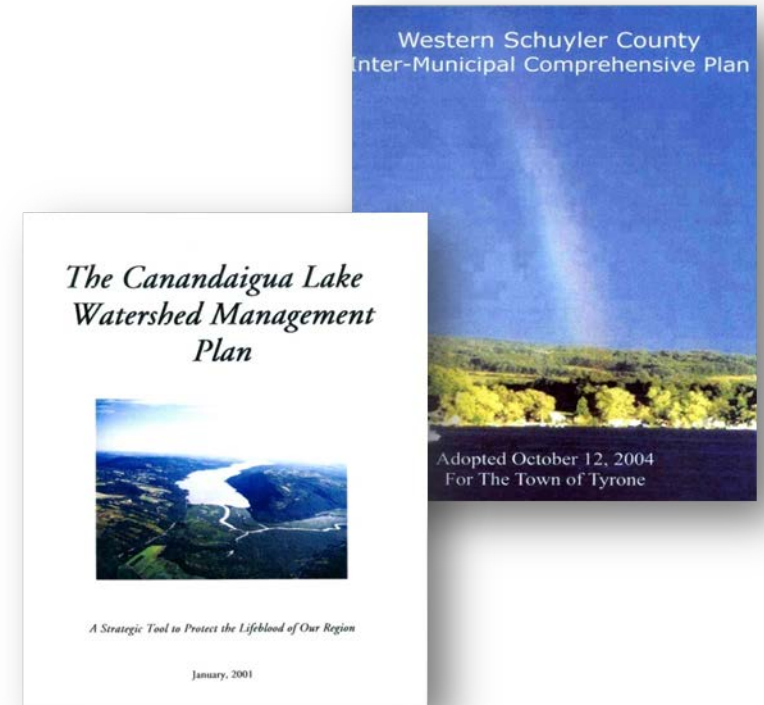
- General Municipal Law Section 119-o(2)(j)
  - Limited to a term of 5 years
  - Or to the useful life under § 11 of the Local Finance Law for a capital improvement for which indebtedness is contracted
  - Whichever is longer
- An IMA must have terms to start, stop, and reauthorize

# Contract Term, Amendment and Termination

- An IMA may be renewed by the governing bodies...
  - May **NOT** contain a clause that renders the IMA automatically renewed unless terminated.
  - Renewal or extension must require an active, comprehensive review by the participating governing bodies.

# Intermunicipal Partnerships

- State policies encourage intermunicipal partnerships in many areas, including:
  - Enforcement of the building code
  - Records management
  - Local waterfront revitalization programs
  - Water supply and waste water disposal
  - Regional planning boards
  - Solid waste management and resource recovery





# Intermunicipal Planning – The Process

# Intermunicipal Planning Process

- Identify potential partners
- Identify regulatory processes and helpful programs
- Establish expectations
- Draw from past experiences
  - Locally
  - Other best practices or case studies
- Involve elected officials
- Have a communication plan

# Getting Started

- Hold joint meetings
- Establish a strong foundation of common ground
  - What are you already sharing?
  - What do you have in common?
- Define expectations and success



A significant factor in sharing a planning project is TRUST!

# Formalize the Partnership

- Determine your goals
- Identify your partners
- Identify the project coordinator
- Consider professional assistance
- Determine cost sharing
- Create an IMA or MOU
- Adopt the agreement

## Remember...

- Positive relationships are crucial
- Put the past behind you



# Form an advisory committee

- Involve key stakeholders and a good mix of people
  - Establish roles
  - 7 to 9 members
  - Smaller subcommittees or advisory groups for specific tasks.
- Members might include:
  - People directly affected
  - Local leaders, both formal or informal
  - People with special influence on decisions or access to information
  - People with special skills
  - Highly interested people

# Know Your Partners/Committee

- Introductions
- Field trips and tours
- Brainstorming
- Share a meal
- Establish Ground Rules
- Listen & show respect
- Everyone has an equal voice
- There are no stupid questions
- Give credit!



# Consider Hiring a Consultant

- When to hire
  - Neutral to Controversial Issues
- Role of the Consultant
  - Extra hands
  - Expert & Collaborator
- Selecting a Consultant
  - Expectations
  - How much can you afford?
  - Review other work
  - Meet and interview

## Statutory Authority

- General Municipal Law Article 5-A §103, 104-b
  - Professional services are not subject to competitive bidding
  - Non-bid procurements require that alternative proposals or quotations be secured in writing or by verbal quotation
  - Formal selection procedures

# Hold Successful Meetings

- Time & place
- Room arrangement
- Comfortable room
- Stick to agenda
- Take meeting notes





# Consensus Building

- To build consensus, participants should :
  - Raise issues
  - Seek to understand each other's views
  - Be willing to compromise to develop an agreed upon resolution
- When dealing with differing views and values:
  - Make sure all points of view are heard
  - Take your time
  - Everyone may not agree
  - The outcome is worth it

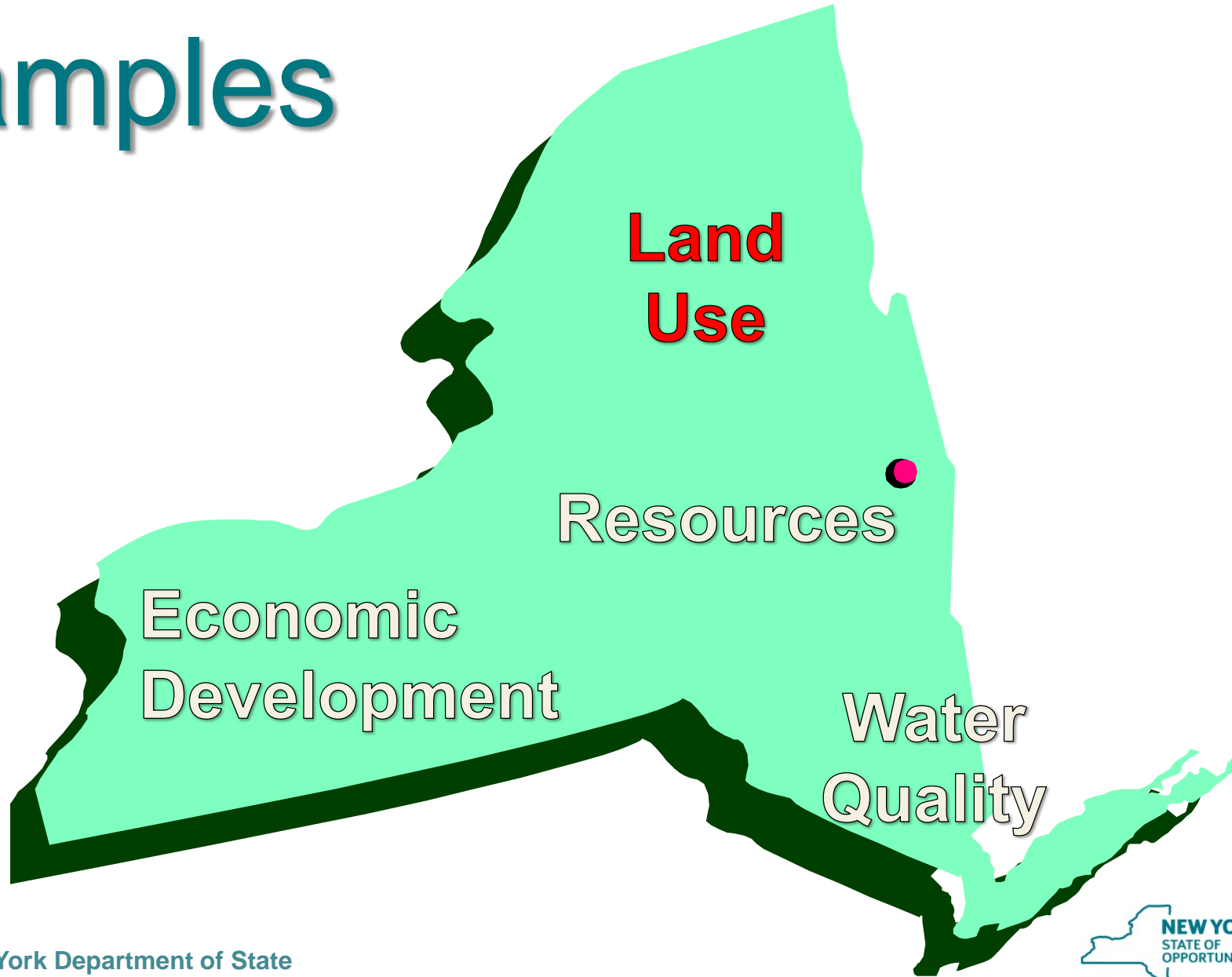
# Involve the Public

- Public Workshops
  - Brainstorming
  - Design charrettes
  - Drawing exercises
  - Picture Sharing
  - Invitational events
- Other Outreach Methods
    - Stakeholder interviews
    - Opinion surveys
    - Open houses



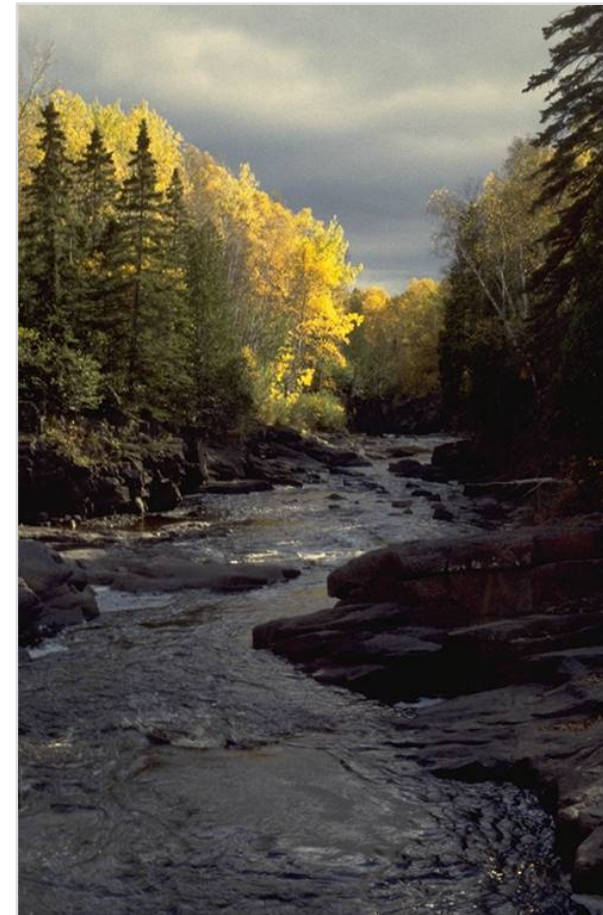
# Examples

# Examples



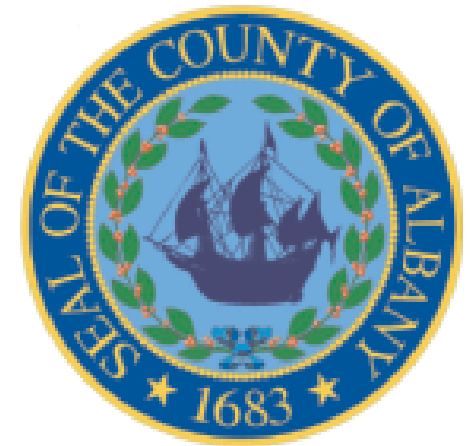
# River Area Council of Governments

- 1800's: Village split
- 1990's: Mill Closures
- 1998: Management Study
- 2000: RACOG IMA with Joint Planning Group
- 2005: Cooperative Zoning Board of Appeals, IMA



# Albany County Intermunicipal Stormwater Committee

- Established in 2005 as the MS4 Committee
  - Originally a sub committee of ACWQCC
- Ad-hoc, no formal structure – meets monthly
- Sliding fee scale
  - Based on base fee + supplemental formula fee
- IMA was effective until December 31, 2012



# Town of Warwick & Villages

- Quality Communities:  
Town of Warwick,  
Villages of Greenwood  
Lake, Warwick, and  
Florida
- Intermunicipal Zoning  
and Build-Out Analysis
- Recommended:
  - Town-wide  
comprehensive planning
  - Mutually beneficial  
zoning districts
  - Consistent standards &  
regulation
  - Joint Planning  
or ZBA

# Town and Village of Livonia



- Rural Town/Built Village
- Joint Planning Board
- Joint Zoning Board of Appeals
- Joint Comp Plan
- Single School District
- Town/Village Water Operated by County
- Sheriff with Substations
- Town-Wide Court
- Ambulance District
- Fire District Consolidation

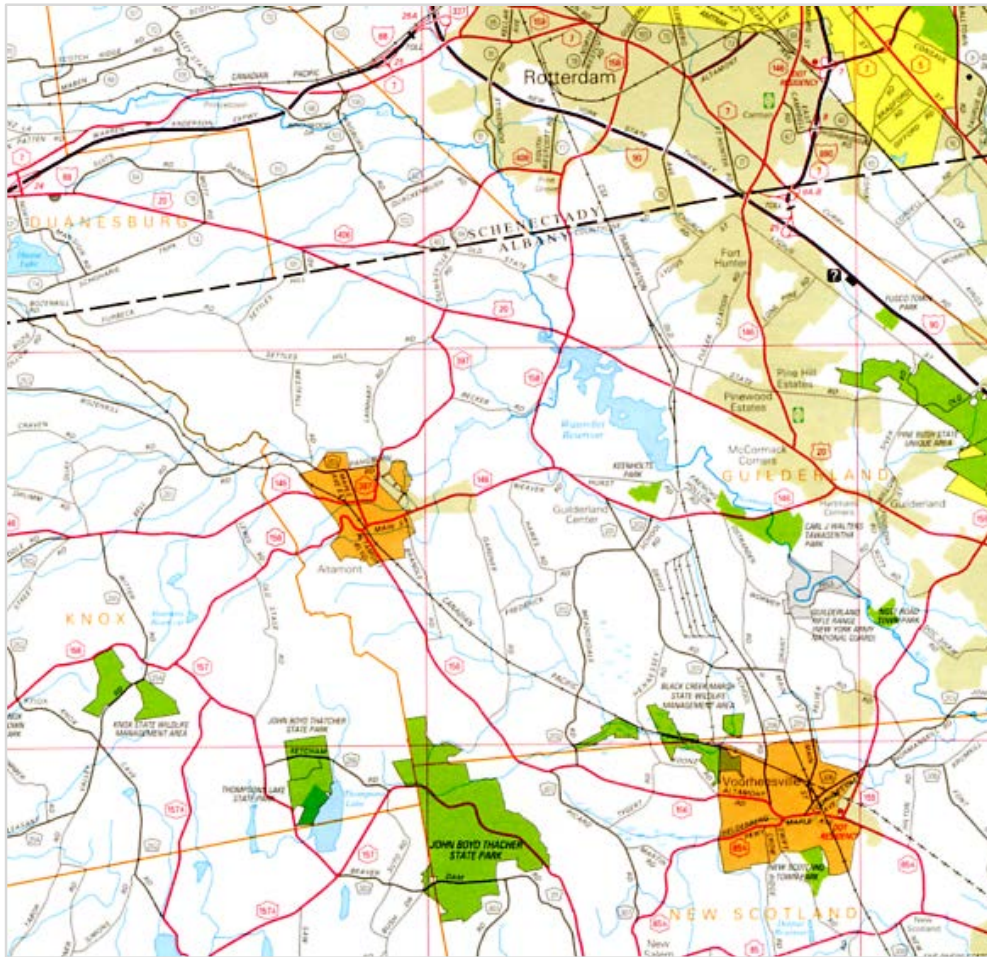


# Lake Placid/North Elba



- Joint Comprehensive Plan, 1997
- Joint Land Use Code, 2000
- Joint Planning Commission, 2000
- Joint ZBA and Joint Review Board
- Growth Management Assessment, 2004
- “Smart Growth” Joint Land Use Code, In Progress

# Guilderland/Altamont Referrals



- Guilderland Local Law No. 6 of 2005
- Certain projects referred to Village of Altamont:
  - Special Use Permit,
  - Site Plan,
  - Use or Area Variance,
  - Zone Changes: and
  - Amendments to the Comprehensive Plan

# Montour and Montour Falls

A Comprehensive Plan for the

Town of Montour &  
Village of Montour Falls

- Land use regulations, no comp plans
- Joint comprehensive plan



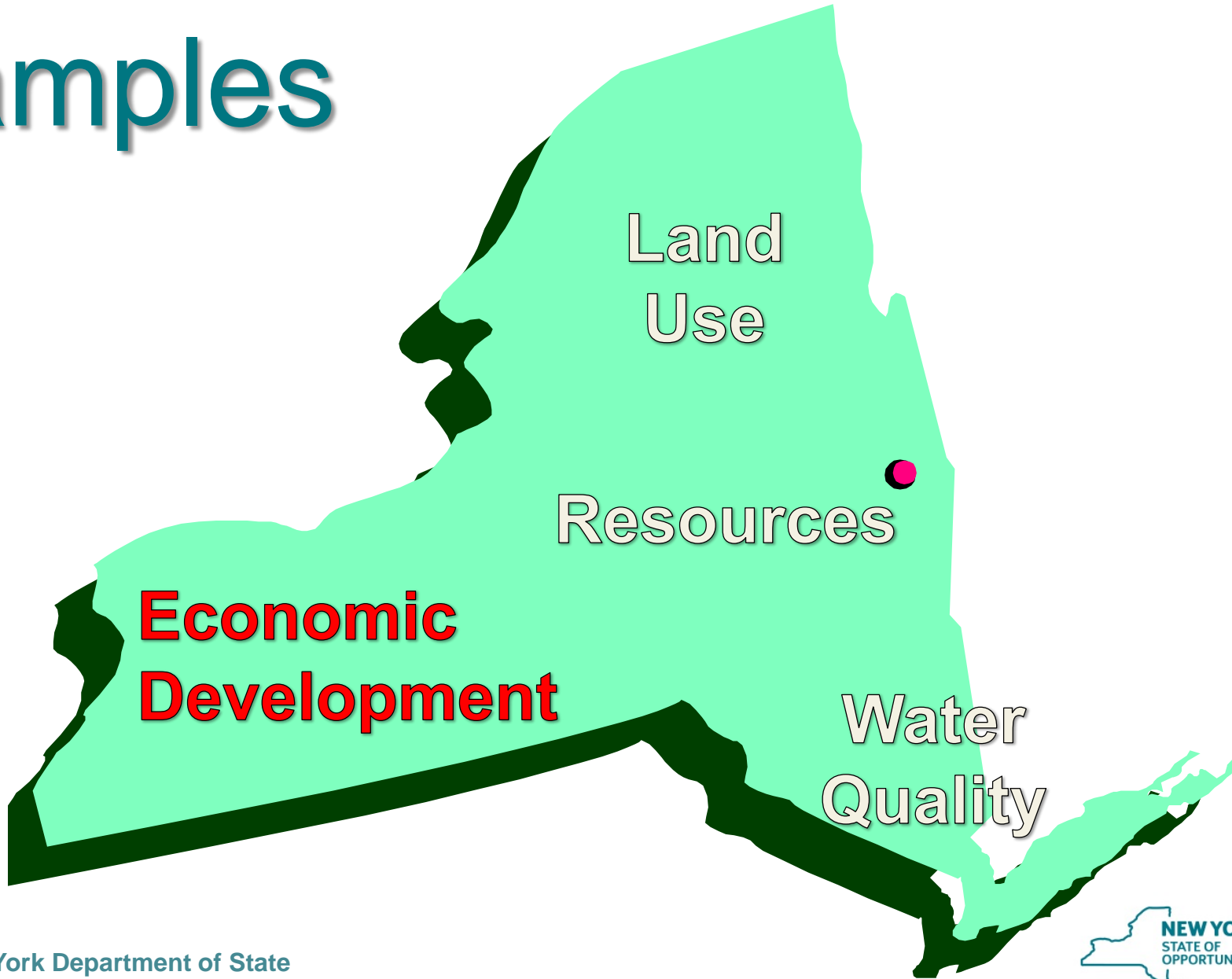
# Around New York State...

- Intermunicipal Planning
  - Town and Village of Groton (Comp Plan)
  - Town and Village of Clayton (Boards)
  - Town and Village of Schoharie (Boards)
  - Towns of Champion and Wilna, Village of Carthage
  - Towns of Turin, West Turin, Pinckney, Osceola, Montague and Florence

# Around New York State...

- Zoning, Planning, Code Enforcement
  - Town and Village of Liberty Comprehensive Plan (2007)
  - Town & Village of Schoharie Land Use Law (2001)
- Economic Development
  - Towns of Evans, Eden, Brandt, North Collins, Villages of Angola, North Collins and Farnham

# Examples



# Historic Hudson River Towns

- HRTW changed to HHRT and renewed its focus, invited 70 communities between Westchester and Albany Counties
- Goals:
  - inter-municipal cooperation;
  - economy development through partnership;
  - enhance and promote tourism;
  - increase public awareness of historical, cultural and environmental attractions;
  - improve transportation options;
  - implement a marketing plan;
  - serve as a unified voice

**HISTORIC HUDSON RIVER TOWNS**  
*Working Together On The Shores Of The Hudson*

HOME RIVER TOWNS TRAVEL EVENTS HISTORY ENVIRONMENT THINGS TO DO THE RIVER SING SING PRISON MUSEUM ABOUT US

EXPLORE WESTCHESTER RIVER TOWNS

EXPLORE ROCKLAND RIVER TOWNS

EXPLORE DUTCHESS RIVER TOWNS

**WELCOME TO THE HISTORIC HUDSON RIVER TOWNS!**

We are delighted to have you visit our website and look forward to seeing you when you visit our member communities. Historic Hudson River Towns is a consortium of riverfront municipalities (villages, towns and cities) that was formed in 1994 to work together on issues of common concern. Our major focus has always been tourism development, with related issues of riverfront renewal and downtown revitalization.

# Historic River Towns of Westchester

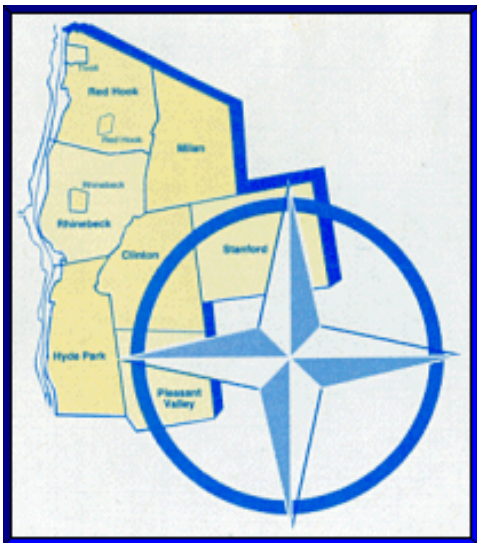
- Consortium along the east bank of the Hudson River
- Established in 1994
- Tourism & economic development
- IMA lists seven goals...





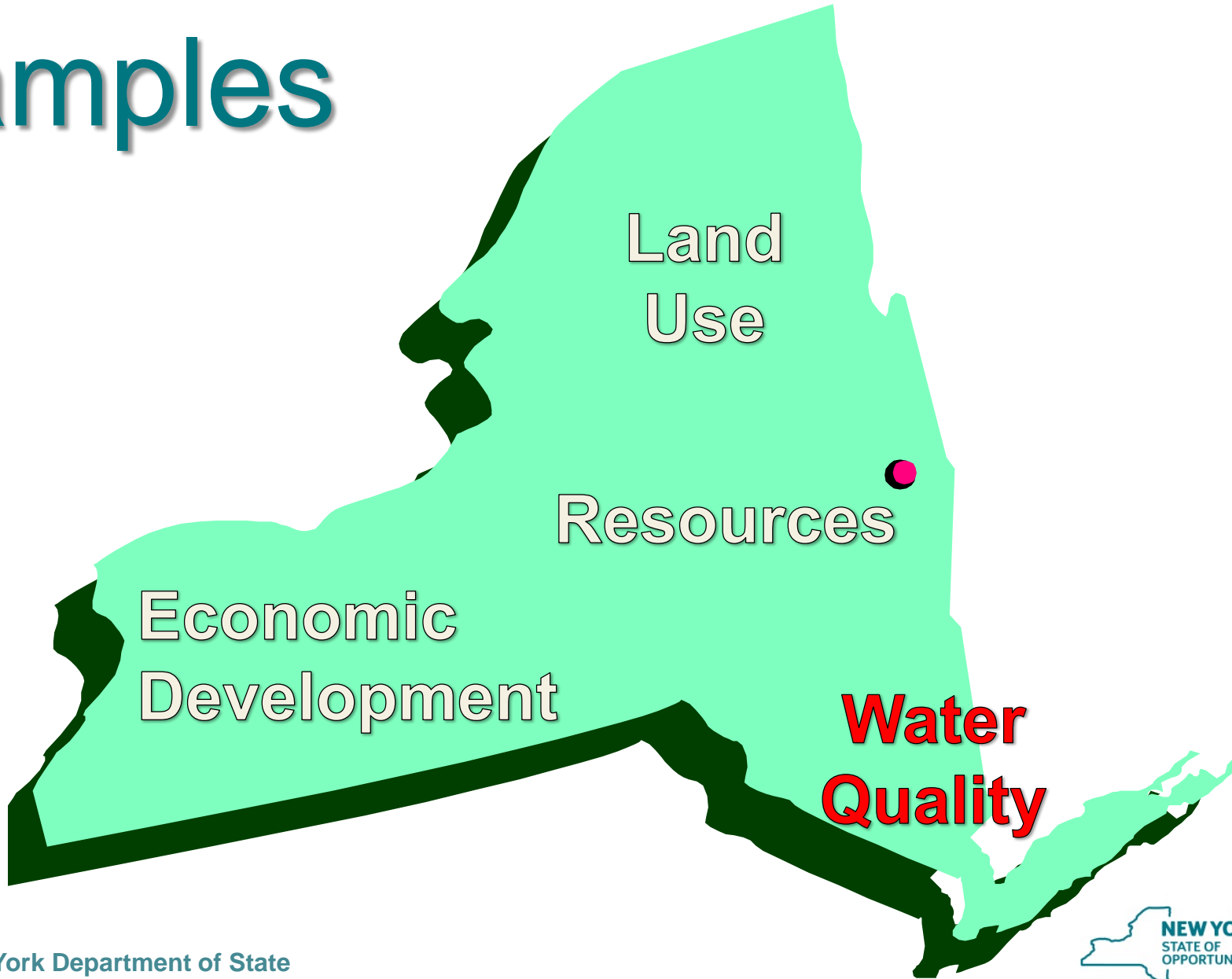
# Northern Dutchess Alliance

- Regional cooperation and economic development
- Public process leading to goal, idea and policy implementation



- Clinton, Hyde Park, Milan, Pleasant Valley, Red Hook/Tivoli, Rhinebeck, Stanford, Bard College, Dutchess Land Conservancy, Omega Institute, Scenic Hudson, and Winnakee Land Trust.

# Examples

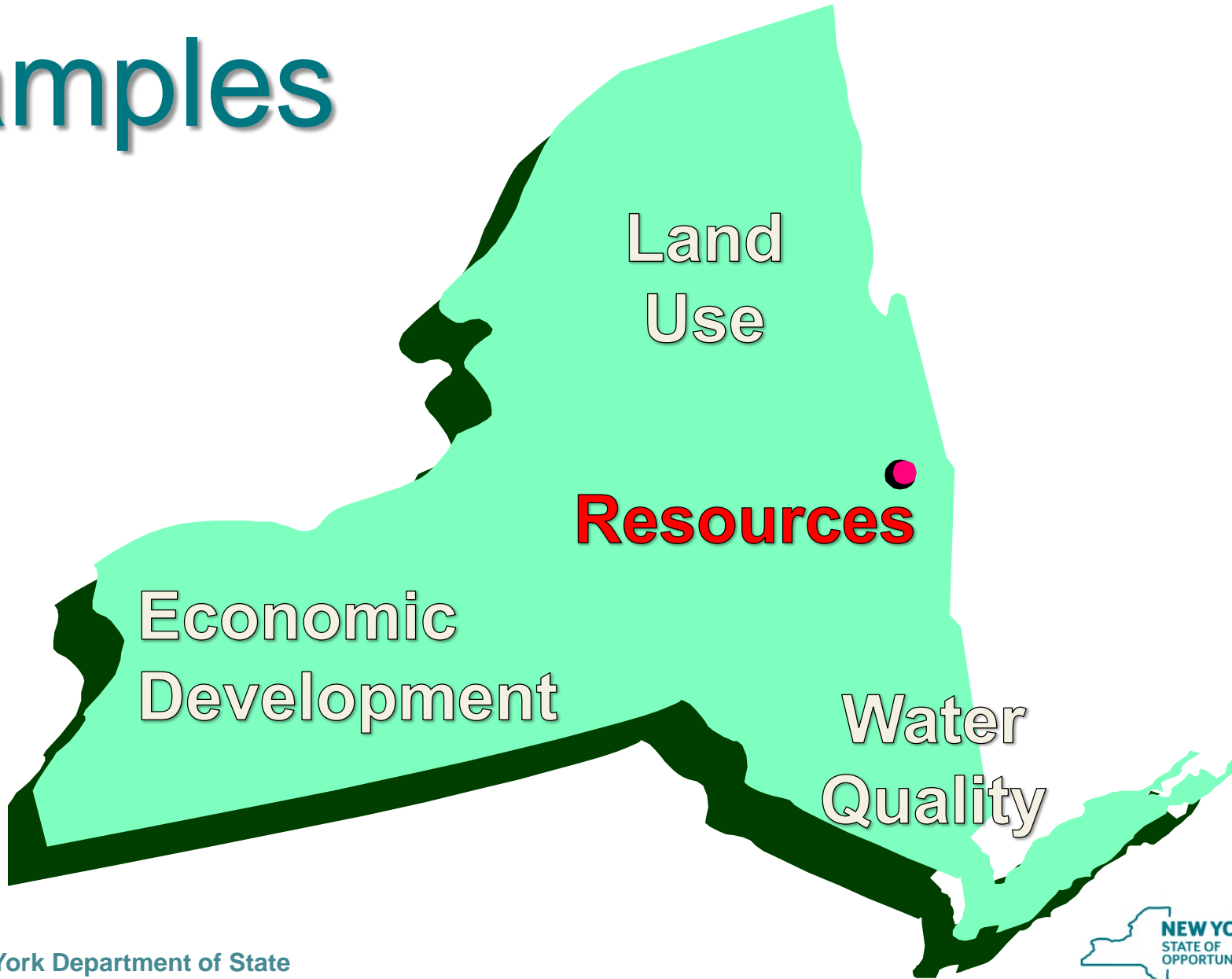


# Infrastructure

- Town of Hyde Park and Dutchess County Water and Wastewater Authority
- Cortland, Cortlandville, and Homer Smart Water Network



# Examples



# Shared Municipal Facilities



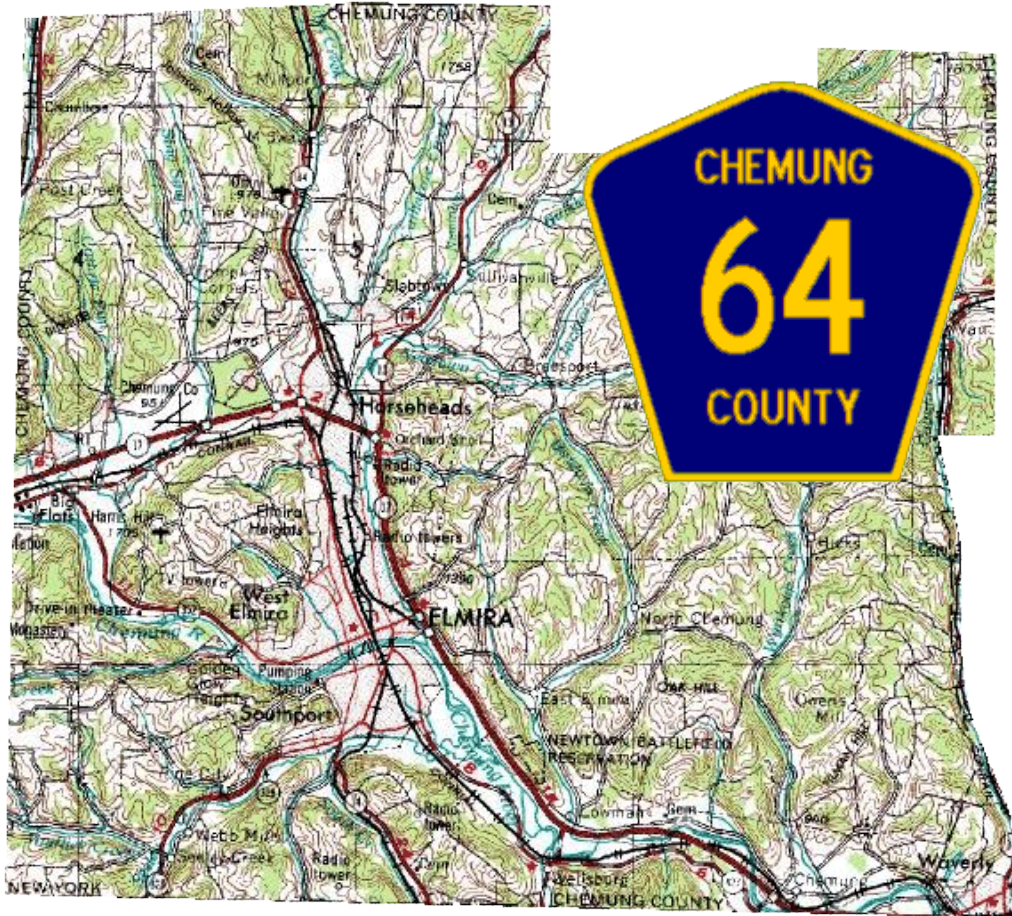
Town of Rosendale and  
Town of Marbletown

# Shared Records Management

- Tompkins County Regional Records Management Program



# Shared Highway Services



- Chemung County Highway Services Board
  - Established in 2007
  - Seven municipalities
  - Explore opportunities to share
  - Also...City of Elmira and Chemung County share a public works director.

# Shared Public Safety Resources

- Police and Courts
  - Towns and Village of Saugerties
  - Town and Village of Liberty Courts
- Emergency Services
  - Warren/Washington Counties





# New York State Assistance

# Department of State

- Experience
- Grant funding
- Proven approaches to success



# Local Government Efficiency Program (LGe)

- Improve service delivery
- Increase competitiveness
- Reduce local costs
- Coordinate solutions
- Focus resources



# Department of State Programs

- Local Government Efficiency Program - LGE
- Local Waterfront Revitalization Program - LWRP
- Brownfield Opportunity Areas Program – BOA
- Regional Development Programs – NBRC/ARC
- Land Use Training and Technical Assistance
- Smart Growth

# Local Government Services

One Commerce Plaza  
Suite 1015, Tenth Floor  
99 Washington Avenue  
Albany, NY 12231

518-473-3355

800-367-8488

[www.dos.state.ny.us](http://www.dos.state.ny.us)

<http://www.dos.ny.gov/lg/lge/index.html>