



## DISCUSSION & FINDINGS

Both the state of New York generally, and the Town and villages specifically, are grappling with how to provide efficient services in overlapping jurisdictions. Village, town, city and county lines, drawn from horseback over the years, have become etched in stone. This has resulted in a governmental structure that includes over 4,200 governmental entities. These entities are overlapping and multi-layered in nature, that causes “public services to be excessively expensive and provided in a manner that is inefficient and reduces the competitiveness of New York’s localities and the job and business opportunities for New Yorkers.”<sup>10</sup>

Municipal corporations in New York State have fairly broad powers to adopt local laws. However, unlike many “home rule” states, there is no constitutional curb on the powers of the state to direct the affairs of municipalities.<sup>11</sup> Of particular relevance, towns (unlike villages and cities) can not directly establish a fire department. Under current law, towns must create either a fire protection district and contract with another municipality or a private fire department, OR create a fire district with a separate elected board of fire commissioners. The New York State Commission on Local Government Efficiency and Competitiveness has made recommendations that include (a) allowing towns to directly provide fire protection services through a town-run fire department and (b) require greater accountability and transparency in contracts for fire protection services.

In 2007, the Center for Governmental Research completed a detailed study of law enforcement services in the Town and the villages, and concluded that services could be provided at the same level with a 14% reduction in cost, or a higher level of service at the current cost. Yet, our discussions with individuals during the course of this study, including elected officials and others including several sworn law enforcement officers, indicated little interest in the study or its findings. No actions have been taken based on this study. It was made clear that “local identity and control” of law enforcement services appear to be factors for which the citizens are willing to pay more. During the course of this study, individuals (admittedly part of or closely aligned with existing fire companies) indicated their belief that the citizens shared a similar sentiment with regard to fire services.

We find that the Town is in an interesting position. Fire protection is a public service generally expected by the citizens, and is not sold as a commodity. However, whether or

<sup>10</sup> (Governor’s Executive Order #11, creating the New York State Commission on Local Government Efficiency and Competitiveness). The commission’s report was released in April 2008 ([http://www.nyslocalgov.org/pdf/LGEC\\_Final\\_Report.pdf?pagemode=bookmarks=pagemode=bookmarks](http://www.nyslocalgov.org/pdf/LGEC_Final_Report.pdf?pagemode=bookmarks=pagemode=bookmarks)) (hereafter the “commission report”).

<sup>11</sup> The opposite of home rule is known as “Dillon’s Rule,” which provides that a municipality has no powers save those expressly granted by the state.