



Village of Cherry Creek Dissolution Plan

DRAFT

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APPROVED by Village Board

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Prepared for:
Village of Cherry Creek

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Project Director



Summary

The Cherry Creek Village Board received a valid petition in November, 2016 seeking a referendum on village dissolution (as permitted under NYS General Municipal Law Article 17A. The Board scheduled a referendum for February 2, 2017. The ballot read:

**Shall the village of Cherry Creek be consolidated with
the town of Cherry Creek?**

YES _____

NO _____

With 70 voting "yes" and 32 voting "no," the referendum passed. The village Board of Trustees engaged the Center for Governmental Research (CGR) to develop a dissolution plan conforming to NYS statute.

After approving the plan in draft form, the village Board of Trustees must set a date for a public hearing to occur in no fewer than 35 days and no longer than 90 days. The Board may amend the plan after the hearing and, within 60 days, must approve a final plan.

The plan goes into effect after 45 days unless a new petition is received, with signatures totaling 25% of the number voting in the last general election, seeking a permissive referendum on the plan. If a petition is received, the trustees must schedule a referendum on the final plan in at least 60 but no more than 90 days. If the referendum supports the plan, it goes into effect. If it does not, then the issue is settled for 4 years.

This draft plan indicates the following:

- The dissolution will occur at the end of calendar year 2017.
- All village assets will be transferred to the town of Cherry Creek.
- After dissolution, water, sewer, sidewalk plowing and lighting services will be provided by the town of Cherry Creek through special districts established by the town. Refuse disposal will become the responsibility of individual property owners.
- The offices of Village Trustee and Mayor will cease to exist upon dissolution.
- The village Clerk is expected to become Clerk of Public Utilities of the town of Cherry Creek, with principal responsibility will be to maintain the records and conduct the billing for the newly-created town special districts.
- The village Department of Public Works Director will become a town employee reporting to the Highway Superintendent and will be principally responsible for

maintaining the water and sewer systems, with additional duties as assigned. Salary shall remain the same or higher. Vacation, Sick and personal days shall carry over.

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General Municipal Law Article 17A, §774 details the specifics required for a dissolution plan.

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

The village of Cherry Creek

2. (b) the territorial boundaries of the entity;

The territorial boundaries of the village of Cherry Creek are based on the boundaries set by the village of Cherry Creek Board of Trustees on _____ and accepted by the town of Cherry Creek Town Board on _____. These boundaries are recorded on the current tax maps of Chautauqua County. The Village of Cherry Creek is in the town of Cherry Creek in Chautauqua County, New York

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

The entity is a village as defined in New York State Village Law.

2. (d) a fiscal estimate of the cost of dissolution;

The cost of dissolution is estimated to be \$50,000; including consulting services to supervise implementation of the plan; legal fees associated with transferring properties, the creation of special districts, and the reassignment of village debt; and a final audit.

2. (e) the transfer or elimination of public employees;

Village Mayor and Village Board of Trustees

The offices of mayor and trustee will be eliminated at the time of dissolution.

Supervisor, Department of Public Works

The current DPW Supervisor, Duncan Young, will become an employee of the town of Cherry Creek. Reporting to the town of Cherry Creek Highway Superintendent, he will have principal responsibility for maintaining the current village water and sewer systems and will support other public works needs of the former village and the town, as directed by the Highway Superintendent. His salary which would remain the same or higher and all vacation, sick and personal days will be carried over, will be split across the water, sewer, lighting and sidewalk districts (to be created by the town),

plus the general public works budget of the town, under the guidance of the Cherry Creek Supervisor and Town Board.

Occasional workers previously engaged in public works on behalf of the village (e.g. sidewalk plowing and street maintenance) will serve at the pleasure of the town Highway Superintendent.

Clerk/Treasurer

The current Village Clerk/Treasurer, Lisa Gross, will be appointed Public Utilities Clerk under the supervision of the Town Supervisor with pay remaining the same or higher and vacation, sick and personal days carried over.. Her principal responsibilities will be to maintain the records and conduct billing for the water, sewer, lighting and sidewalk districts (to be created by town).

Code Enforcement

The current Village Code Enforcement Officer, David Crossley, will continue to perform these duties at the same rate of compensation (\$5,000.00 yearly) for properties currently in the village. He will report to the Cherry Creek Supervisor and serve at the pleasure of the town's supervisor and board.

Dog Warden

The current Village Dog Warden, Thomas Waag, who also is the Dog Warden for the Town will continue his duties at the rate of compensation of \$600.00 yearly that the Village pays and the rate of compensation that he receives from the Town.

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

All property owned by the village of Cherry Creek shall become the property of the town of Cherry Creek at the time of dissolution. This includes all equipment and real estate. Facilities associated with the delivery of water and sewer services will be transferred to their respective town special districts. An inventory of all real estate and major equipment is included in the Appendix.

This includes the building now housing both the village office and the fire company. Upon dissolution, the town shall negotiate a lease with the fire company. The portion of the building now occupied by the village officers will be used as The Public Utilities Office. Real property transferred to the town will be done without consideration and the town will, at its option, prepare any and all deeds for the village to execute prior to the date of dissolution.

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

Short Term Debt

Two payments of \$10,000 are owned in FY17-18 and FY18-19 on a highway truck acquired in 2014. As the vehicle will be used to support public works throughout the town, the debt becomes the obligation of the town's General Fund. This is the only short term debt of the village. A payment of \$10,000 will be made by the Village in July 2017, balance due will be \$10,000.

Long Term Debt

The village incurred long term debt to finance improvements to both the water and sewer systems. These debts become the obligation of properties included in the water and sewer districts.

Sewer: Outstanding debt on the wastewater treatment system totals \$347,200. Annual payments total \$23,500 through 2023, then \$20,300 annually through 2032.

Water: Outstanding debt on the recent water system improvements totals \$1,795,901. Debt service, \$53,932 in 2016, rises 1.7% each year through 2043.

A schedule of indebtedness appears in the Appendix.

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

This Plan was developed by the village trustees with the best interest of all residents in the village and town outside of village in mind. The trustees anticipate that the town government will provide for and comply with the Plan set forth in this document. Nonetheless, the trustees recognize that the Plan could be impacted by unforeseen circumstances occurring at the time of dissolution. Thus, this document is a plan, not a guarantee.

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

The town of Cherry Creek will continue to provide all services currently enjoyed by the village of Cherry Creek residents with the exception of refuse collection, which will become the individual obligation of property owners.

Special Districts

Town special districts will be established as follows:

It is the recommendation of the Village that the billing that was done quarterly be done either monthly or bi-monthly:

Water: The water district will include all properties now contained within the municipal boundary of the village plus twelve properties in the town of Cherry Creek currently receiving water from the village. A list of these properties appears in the Appendix. Additional properties may be added to the water district in the future.

Sewer: Properties now receiving sewer services from the village will be included in the sewer district. This is a subset of all village properties. A map showing these properties appears in the Appendix. Additional properties may be added to the sewer district in the future.

Lighting: A lighting district will be established that includes all properties now within the municipal boundary of the village.

Sidewalk: A sidewalk district will be established that includes all those properties now being plowed by the village. A map showing these properties appears in the Appendix. Sidewalks located outside the designated district become the responsibility of the property owner.

Shade tree management: It has been the longstanding practice of the village to maintain shade trees in the village right-of-ways, removing and replacing dead or dying trees. The village board recommends that this practice continue under the town's authority after dissolution.

2. (j) terms for the disposition of the entity's assets and the disposition of its liabilities and indebtedness, including the levy and collection of the necessary taxes and assessments therefor;

The village intends to use any remaining fund balance to defray a portion of debt owed on water system improvements.

Discussion of village debt appears in 2. (g) above.

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

All local laws, ordinances, rules and regulations of the village of Cherry Creek shall remain in force for a period of two years following the dissolution unless the town board acts to repeal or amend such local laws, ordinances, rules or regulations.

2. (l) the effective date of the dissolution;

The dissolution will occur at the end of calendar year 2017.

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

A public hearing on the proposed dissolution plan will be held on June 21, 2017.

Appendix

List of Assets Real Property Assessed values and contents values

TAX PARCEL NUMBER	ADDRESS	ESTIMATED MARKET VALUE	PROPERTY CLASSIFICATION/DESC
237.07-1-3.2	6925 N. Main	\$350,000 (eng est)	330 Reservoir
237.08-1-63	N. Main St	\$161,787 (ins value)	590 Park
237.11-1-62	Main & Southside	\$241,500 (assess val)	662 Muni bldg. (office, fire)
237.11-2-2	Southside Ave W	\$30,800 (assess val)	652 Govt building
237.12-2-9	Southside Ave E	\$12,600 (assess val)	591 Playground
237.12-2-13	South Main St rear	\$237,521 (ins value)	853 Sewage
237.15-1-2.1	Southside Ave W	\$9,600 (assess val)	822 Water supply
237.15-1-1.2	Southside Ave	\$350,000 (eng est)	330 Reservoir

4 Pump Houses (3-Southside 1- Railroad)

\$82,204 (eng est)

Equipment (over \$5,000)

ITEM & DESCRIPTION	ESTIMATED MARKET VALUE
2013 CHEVY SILVERADO	\$30,000 (\$40,000 new)
BAD BOY 260 31 HP ZERO TURN	\$5,000 (online comparison)
2005 JOHN DEERE 4410 COMPACT UTILITY TRACTOR	\$15,000 (online comparison)
TWO GENERATORS (WATER & SEWER)	\$60,000 (eng est)

Special District Boundaries

Water District

All parcels now in the village plus the following in the Town of Cherry Creek:

Owner	Street address
Joe Nelson	
Jack Borton	332 Leon Road
David Stalker	346 Southside Avenue
CARS	346 Southside Avenue
Ken Priest	386 Southside Avenue
Ken Thomas	397 Southside Avenue
Sue Predmore	409 Southside Avenue
NYS Western DDSO	835 Southside Avenue
Gene Frost	847 Southside Avenue
Empire Livestock	6732 Pickup Hill Road
Don Yahn	6732 Pickup Hill Road
VFW	7177 N. Main Street

See maps below.

Schedule of Long Term Debt

WASTEWATER TREATMENT ENVIRONMENTAL FACILITIES DEBT

DATE	CWSRF #C9-6706-1		CWSRF #C9-6706-2	
	Payment	Bonds Outstanding	Payment	Bonds Outstanding
		\$399,200		\$277,000
7/15/2004	\$10,350	\$388,850	\$13,150	\$263,850
7/15/2005	\$10,350	\$378,500	\$13,150	\$250,700
7/15/2006	\$10,350	\$368,150	\$13,150	\$237,550
7/15/2007	\$10,350	\$357,800	\$13,150	\$224,400
7/15/2008	\$10,300	\$347,500	\$13,200	\$211,200
7/15/2009	\$10,300	\$337,200	\$13,200	\$198,000
7/15/2010	\$10,300	\$326,900	\$13,200	\$184,800
7/15/2011	\$10,300	\$316,600	\$13,200	\$171,600
7/15/2012	\$10,300	\$306,300	\$13,200	\$158,400
7/15/2013	\$10,300	\$296,000	\$13,200	\$145,200
7/15/2014	\$10,300	\$285,700	\$13,200	\$132,000
7/15/2015	\$10,300	\$275,400	\$13,200	\$118,800
7/15/2016	\$10,300	\$265,100	\$13,200	\$105,600
7/15/2017	\$10,300	\$254,800	\$13,200	\$92,400
7/15/2018	\$10,300	\$244,500	\$13,200	\$79,200
7/15/2019	\$10,300	\$234,200	\$13,200	\$66,000
7/15/2020	\$10,300	\$223,900	\$13,200	\$52,800
7/15/2021	\$10,300	\$213,600	\$13,200	\$39,600
7/15/2022	\$10,300	\$203,300	\$13,200	\$26,400
7/15/2023	\$10,300	\$193,000	\$13,200	\$13,200
7/15/2024	\$10,300	\$182,700	\$13,200	\$-
7/15/2025	\$20,300	\$162,400		
7/15/2026	\$20,300	\$142,100		
7/15/2027	\$20,300	\$121,800		
7/15/2028	\$20,300	\$101,500		
7/15/2029	\$20,300	\$81,200		
7/15/2030	\$20,300	\$60,900		
7/15/2031	\$20,300	\$40,600		
7/15/2032	\$20,300	\$20,300		
7/15/2033	\$20,300	\$-		

 WATER SUPPLY ENVIRONMENTAL FACILITIES DEBT

DATE	DWSRF #17576	
	Payment	Bonds Outstanding
		\$1,955,000
3/1/2014	\$52,134	\$1,902,866
3/1/2015	\$53,033	\$1,849,833
3/1/2016	\$53,932	\$1,795,901
3/1/2017	\$54,815	\$1,741,086
3/1/2018	\$55,729	\$1,685,357
3/1/2019	\$56,628	\$1,628,729
3/1/2020	\$57,527	\$1,571,202
3/1/2021	\$58,426	\$1,512,776
3/1/2022	\$59,325	\$1,453,451
3/1/2023	\$60,223	\$1,393,228
3/1/2024	\$61,122	\$1,332,106
3/1/2025	\$62,021	\$1,270,085
3/1/2026	\$62,920	\$1,207,165
3/1/2027	\$63,819	\$1,143,346
3/1/2028	\$64,718	\$1,078,628
3/1/2029	\$65,617	\$1,013,011
3/1/2030	\$66,515	\$946,496
3/1/2031	\$67,414	\$879,082
3/1/2032	\$68,313	\$810,769
3/1/2033	\$69,212	\$741,557
3/1/2034	\$70,111	\$671,446
3/1/2035	\$71,010	\$600,436
3/1/2036	\$71,909	\$528,527
3/1/2037	\$72,807	\$455,720
3/1/2038	\$73,706	\$382,014
3/1/2039	\$74,605	\$307,409
3/1/2040	\$75,504	\$231,905
3/1/2041	\$76,403	\$155,502
3/1/2042	\$77,302	\$78,200
3/1/2043	\$78,200	