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### Presentation Outline

- What is intermunicipal planning?
- Developing a partnership
  - Agreements, consultants, committees, stakeholders
- Group dynamics
  - Public participation
  - Building consensus
- Implementing the plan

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### What is Intermunicipal Planning?

A cooperative agreement between two or more governments with similar needs and desires, to develop a plan and planning process by dividing cost and efforts with a neighboring community



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## Statutory Authorization

- Municipalities may perform **any** function or service jointly which they may perform individually
- NYS Constitution Article IX

- Town Law §284
- Village Law §7-741
- City Law §20-g
- General Municipal Law
  - Article 5G - Municipal Cooperation
  - §119-u - Intermunicipal cooperation in comprehensive planning & land use regulation

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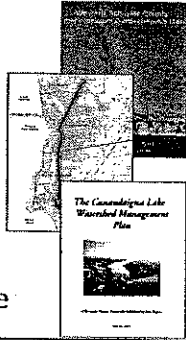
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## Applications of Intermunicipal Planning:

- Comprehensive Plan
- Waterfront Revitalization Plan
- Watershed Management Plan
- Economic Development Plan
- Corridor Management Plan
- Open Space/Recreation Plan
- Zoning Law/Ordinance Update




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## How Can Your Community Benefit?

- Efficiency – Save \$\$\$
- Creativity
- Fairness
- Consistency
- Implementation
- Grant Opportunities



- Quality Communities Principles: "Strengthen Intergovernmental Partnerships"
- Shared Municipal Services Incentive Grant Program

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## Challenges to Intermunicipal Efforts

- Local officials may not get along
- Local officials resist relinquishing their own control
- Residents believe their concerns will not be heard, or will be overshadowed by the concerns of other communities
- Residents feel they will lose their own community identity

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## Getting Started

- Hold joint meetings with members of the governing boards
- Establish a foundation - find your common ground
  - What are you already sharing?
  - What do you have in common?
- Determine what you want to accomplish



A significant factor in sharing a planning project is **TRUST!**

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## Formalize Your Partnership

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

### TIPS

- Positive relationships are crucial
- Put the past behind you




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## Consider hiring a consultant

### When to hire

- Controversial issues
- Not enough staff and/or resources
- Time constraints



### 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 \*People ex rel Smith v. Flagg*
- Formal selection procedures

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## Make the most of your consultant

### Roles of the Consultant

- An extra pair of hands
- The expert
- The collaborator

### Before you select a consultant...

- What are your expectations?
- What level of work can be done locally?
- How much can each partner spend?
- Get advice from other municipalities
- Review work prepared for other clients
- Meet the person you'd be working with




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## Form an advisory committee

The advisory committee should involve key stakeholders and consist of a good mix of people

- Establish roles
- Maximum should be 7 to 9 members
- Can also create smaller subcommittees or advisory groups

Members might include:

- People directly affected by the effort
- Local leaders, both formal or informal
- People with special influence on decisions or access to information
- People with special skills
- Highly interested people

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## Identify potential stakeholders

**Stakeholder** - Any group or individual that has a stake in or may be impacted by recommendations developed through the planning process

- Local elected officials
- Planning Board members
- Zoning Board members
- Code enforcement officer
- State, county or regional planning agencies
- Business associations
- School leaders, teachers
- Major landowners or employers
- Historical experts
- Civic organizations
- Environmental organizations
- Citizens

Empower your citizens to take ownership of the plan

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## Establish roles and responsibilities

**Committee members can play more than one role**

- Leader
- Communicator
- Scribe
- Political liaison
- Technical experts
- Facilitator

A Leader should be able to:

- Communicate
- Coordinate
- Encourage
- Delegate
- Diffuse opposition
- Share credit
- Promote consensus
- Integrate different perspectives
- Maintain motivation

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### Get to Know Your Partners

- Introductions
- Phone trees
- 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



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### Hold Successful Meetings

- Pick a convenient time and place
- Friendly room arrangement
- Comfortable room
- Stick to agenda
- Take meeting notes



#### When dealing with disruptive people

- Do not over-react
- Interrupt politely
- Do not argue
- Agree to defuse
- Park the issue
- Talk outside the group
- Sit next to him/her

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## Comply with the Open Meeting Law

■ If a board is formally charged with preparing a comprehensive plan, such "SPECIAL BOARD" **must comply** with the Open Meetings Law

■ A board that is merely **ADVISORY** -- the governing board can take action without their input -- **need not comply** with the Open Meetings Law



- Provide **NOTICE** to the media in advance
- **POST** notice in a public location
- Provide **ACCESS** to the public

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## Involve the Public

### Public Workshops

- Brainstorming
- SWOT
- Design charrettes
- Drawing exercises
- Picture Sharing
- Invitational events

### Other Outreach Methods

- Stakeholder interviews
- Opinion surveys
- Open houses




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## Communicate with the Public

### Methods

- Direct Mailings
- Web and e-mail notice
- Fliers, Posters
- Newsletters
- Community events
- Public access channel
- News stories

### Enlist the media

- Make public aware
- Get **YOUR** message out
- Generate support
- Correct misinformation



**TIPS:** Keep people informed  
Flush out opposition  
Build Consensus

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## Build a Consensus

- Consensus building is a decision-making process that is vital to any community planning effort or other process requiring public participation
- People will feel ownership of the process, have a stake in the decisions, and be committed to seeing the work finished

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

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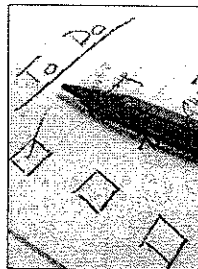
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## Develop an implementation plan

For each action/step:

- **What** - short description of action
- **Who** - individuals or group responsible
- **How** - tasks necessary for completion
- **When** - timing of the action



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## Activate Your Plan

- Accept and designate responsibility
- Coordinate team members and stakeholders
- Search for funding opportunities
- Set & adhere to deadlines – build momentum
- Obtain & maintain media & public support
- Monitor your progress
- Reward & recognize those responsible

**A plan is only as good as the action that comes out of it**

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## Summary: Keys to Success

- Have a sense of direction
- Establish a good team
- Involve the public
- Reach a consensus
- Create a *Realistic* implementation plan
- Implement - take action
- Build momentum



**Always Promote Communication, Participation & Consensus**

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NYS Department of State  
Division of Local Government (518) 473-3355  
Legal (518) 474-6740  
Toll Free 1-800-367-8488  
email: localgov@dos.state.ny.us - <http://www.dos.state.ny.us>

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## General Municipal Law § 119-u.

### Intermunicipal cooperation in comprehensive planning and land use regulation

1. Legislative intent. This section is intended to illustrate the statutory authority that any municipal corporation has under article five-G of this chapter and place within land use law express statutory authority for cities, towns, and villages to enter into agreements to undertake comprehensive planning and land use regulation with each other or one for the other, and to provide that any city, town, or village may contract with a county to carry out all or a portion of the ministerial functions related to the land use of such city, town or village as may be agreed upon. By the enactment of this section the legislature seeks to promote intergovernmental cooperation that could result in increased coordination and effectiveness of comprehensive planning and land use regulation, more efficient use of infrastructure and municipal revenues, as well as the enhanced protection of community resources, especially where such resources span municipal boundaries.
2. Authorization and effects.
  - (a) In addition to any other general or special powers vested in a city, town or village to prepare a comprehensive plan and enact and administer land use regulations, by local law or ordinance, rule or regulation, each city, town or village is hereby authorized to enter into, amend, cancel and terminate agreements with any other municipality or municipalities to undertake all or a portion of such powers, functions and duties.
  - (b) Any one or more municipalities located in a county which has established a county planning board, commission or other agency, hereinafter referred to as a county planning agency, are hereby authorized to enter into, amend, cancel and terminate agreements with such county in order to authorize the county planning agency to perform and carry out certain ministerial functions on behalf of such municipality or municipalities related to land use planning and zoning. Such functions may include, but are not limited to, acting in an advisory capacity, assisting in the preparation of comprehensive plans and land use regulations to be adopted and enforced by such municipality or municipalities and participating in the formation and functions of individual or joint administrative boards and bodies formed by one or more municipalities.
  - (c) Such agreements shall apply only to the performance or exercise of any function or power which each of the municipal corporations has the authority by any general or special law to prescribe, perform, or exercise separately.
3. Definitions. As used herein:
  - (a) "Municipality", means a city, town or village.
  - (b) "Land use regulation", means an ordinance or local law enacted by a municipality for the regulation of any aspect of land use and community resource protection and includes any zoning, subdivision, special use permit or site plan regulation or any other regulations which prescribe the appropriate use of property or the scale, location, and intensity of development.
  - (c) "Community resource", means a specific public facility, infrastructure system, or geographic area of special economic development, environmental, scenic, cultural, historic, recreational, parkland, open space, natural resource, or other unique

significance, located wholly or partially within the boundaries of one or more given municipalities.

- (d) "Intermunicipal overlay district", means a special land use district which encompasses all or a portion of one or more municipalities for the purpose of protecting, enhancing, or developing one or more community resources as provided herein.

4. Intermunicipal agreements. In addition to any other powers granted to municipalities to contract with each other to undertake joint, cooperative agreements any municipality may:

- (a) create a consolidated planning board which may replace individual planning boards, if any, which consolidated planning board shall have the powers and duties as shall be determined by such agreement;
- (b) create a consolidated zoning board of appeals which may replace individual zoning boards of appeals, if any, which consolidated zoning board of appeals shall have the powers and duties as shall be determined by such agreement;
- (c) create a comprehensive plan and/or land use regulations which may be adopted independently by each participating municipality;
- (d) provide for a land use administration and enforcement program which may replace individual land use administration and enforcement programs, if any, the terms and conditions of which shall be set forth in such agreement; and
- (e) create an intermunicipal overlay district for the purpose of protecting, enhancing, or developing community resources that encompass two or more municipalities.

5. Special considerations.

- (a) Making joint agreements. Any agreement made pursuant to the provisions of this section may contain provisions as the parties deem to be appropriate, and including provisions relative to the items designated in paragraphs a through m inclusive as set forth in subdivision two of section one hundred nineteen-o of this chapter.
- (b) Establishing the duration of agreement. Any local law developed pursuant to the provisions of this section may contain procedures for periodic review of the terms and conditions, including those relating to the duration, extension or termination of the agreement.
- (c) Amending local laws or ordinances. Local laws or ordinances shall be amended, as appropriate, to reflect the provisions contained in intermunicipal agreements established pursuant to the provisions of this section.

6. Appeal of action by aggrieved party or parties. Any officer, department, board or bureau of any municipality with the approval of the legislative body, or any person or persons jointly or severally aggrieved by any act or decision of a planning board, zoning board of appeals or agency created pursuant to the provisions of this section may bring a proceeding by article seventy-eight of the civil practice law and rules in a court of record on the ground that such decision is illegal, in whole or in part. Such proceeding must be commenced within thirty days after the filing of the decision in the office of the board. Commencement of the proceeding shall stay proceedings upon the decision from which the appeal is taken. All issues in any proceeding under this section shall have a preference over all other civil actions and

proceedings.

7. Any agreements made between two or more municipalities pursuant to article five-G of this chapter or other law which provides for the undertaking of any land use regulation or activity on a joint, cooperative or contract basis, if valid when so made, shall not be invalidated by the provisions of this section.
8. The provisions of this section shall be in addition to existing authority and shall not be deemed or constructed as a limitation, diminution or derogation of any statutory authority authorizing municipal cooperation.

## Web links

### Shared services & intermunicipal cooperation

**New York State Department of State** publications page of the *New York State Department of State Division of Local Government* links to several documents related to local government cooperation. Once on the page, scroll down to Local Government Cooperation.  
<http://www.dos.state.ny.us/lgss/publist.htm>

**New York State Department of State: Office of Counsel: Legal Memoranda:** <http://www.dos.state.ny.us/cnsl/counsel.html> *Legal Memorandum LG01 Intermunicipal Cooperative Agreements: The Key to Cost Efficiency* discusses the use of intermunicipal agreements as defined in NYS General Municipal Law. The page also links to two sample intermunicipal agreements. <http://www.dos.state.ny.us/cnsl/news15g.html>

**Cornell University Department of City and Regional Planning: Local Government Restructuring in New York State: Summary of Results:** This page describes the results of a survey that was completed by 26 counties and 196 towns in New York State. The survey solicited information from government officials related to government restructuring. Intermunicipal cooperation was the most common form of government restructuring that was reported.  
<http://government.cce.cornell.edu/doc/nyssurvey.asp>

**Community and Rural Development Institute at Cornell University: Cornell Local Government Program** has produced a number of reports that study local government structure and operation in New York State. Several reports specifically address shared services including enhancing cooperation in highway services, fiscal impacts and municipal options.  
[http://www.cardi.cornell.edu/local\\_government/index.php](http://www.cardi.cornell.edu/local_government/index.php)

**New York State Office of the State Comptroller, Division of Local Government Services & Economic Development.** The Office of the State Comptroller's has made recommendations on how to study and implement cooperative efforts between local governments. See the Local Government Management Guide: Intermunicipal Cooperation  
<http://www.osc.state.ny.us/localgov/pubs/lgmg/index.htm#imc> and Intermunicipal Cooperation and Consolidation: Exploring Opportunities for Savings and Improved Service Delivery.  
<http://www.osc.state.ny.us/localgov/pubs/research/cooperation1.pdf>

**Office of the New York State Attorney General Elliot Spitzer: Making Government Work: Intergovernmental Cooperation, Partnering and Consolidation in New York State** is an excellent report that discusses the existing laws in New York State that allow municipalities to work together and describes real examples of intermunicipal cooperation between communities throughout New York. [www.oag.state.ny.us/press/reports/making\\_government\\_work.pdf](http://www.oag.state.ny.us/press/reports/making_government_work.pdf)

**Pace Law School: Land Use Law Center: Community Tools: Intermunicipal Cooperation Tools** This page provides a good overview of how to form intermunicipal councils in order to work

together to address common problems. It also includes case studies of intermunicipal councils in New York State and provides links to other sites and reports related to intermunicipal cooperation. <http://www.law.pace.edu/landuse/IntCoopTool.html>

**Monroe County Council of Governments** produced an Intermunicipal Cooperation Report in 2001 that list the intermunicipal cooperation that exists in the County. <http://www.growmonroe.com/documentView.asp?docID=1998>

**Eastern Putnam/Dutchess Planning Alliance** consists of six municipalities that entered into an intermunicipal agreement in 2001 in order to “promote regional cooperation in order to achieve economic sustainability and environmental sensitivity”. <http://www.crse.org/projects/epdpa/epdpa.htm>

**Historic River Towns of Westchester** is a consortium of 13 municipalities located along the Hudson River in Westchester County that work together to promote tourism. <http://www.hudsonriver.com/rivertowns/welcome.html>

**Long Island Sound Watershed Intermunicipal Council** consists of 12 municipalities in Westchester County that signed an intermunicipal agreement to preserve and improve Long Island Sound. <http://www.liswic.org>

**North Shore Council of Governments** consists of five municipalities located along the north shore of Oneida Lake in Oswego County, New York. <http://www.norcog.org>

**River Area Council of Governments** consists of four municipalities along the Black River in Jefferson County, NY that joined together in order to identify opportunities for cooperation and enhance the quality of life for residents in the area. <http://www.racog.org>

**Rockland Riverfront Communities Council** was formed by Rockland County and eleven towns and villages in the county to improve land use planning through intermunicipal cooperation. <http://www.co.rockland.ny.us/planning/landuse/rivercomm.htm>

**Cayuga Lake Watershed Intermunicipal Organization** was formed to create, modify, and implement a watershed management plan for the Cayuga Lake watershed. <http://www.cayugawatershed.org>

**Canandagua Lake Watershed Council** was created to maintain and enhance the high water quality of the Canandaigua Lake watershed through education, research, restoration and if necessary regulation. The Watershed Council strives to cooperate and partner with the various citizen groups along with county, state and federal agencies to more effectively and efficiently implement the Canandagua Lake Watershed Plan. <http://www.canandaigualake.org/>

**Onondaga Citizens League** is an independent and nonpartisan organization designed to promote citizen education and involvement in public affairs. The OCL web site has a long list of resources on regionalism, intergovernmental cooperation and consolidation. [http://www.suce.syr.edu/community/ocl/ocl\\_studies/2005/2005\\_Study\\_c.htm](http://www.suce.syr.edu/community/ocl/ocl_studies/2005/2005_Study_c.htm)

**TOWN & VILLAGE OF CLAYTON  
ZONING BOARD OF APPEALS  
INTERMUNICIPAL AGREEMENT**

Revised September 2005

Whereas, pursuant to General Municipal Law Article 5-g and section 284 of the Town Law and Section 7-741 of the Village Law the Town and Village of Clayton entered into an Intermunicipal Agreement (the IMA), dated March 12, 1997, establishing a consolidated *Zoning Board of Appeals* to have Appellate Jurisdiction to grant Area Variances, Use Variances and Appeals of the Zoning Officers interpretation of the zoning ordinance of the Town of Clayton and Local Zoning Law of the Village of Clayton, and Whereas, the above named municipalities pursuant to General Municipal Law, Article 5-G and Section 284 of Town Law and Section 7-741 of Village Law are desirous of amending the Intermunicipal Agreement of March 12, 1997.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein and other good and consideration receipt of which is hereby acknowledged as agreed as follows:

1. That the Joint Town/Village of Zoning Board of Appeals is comprised of seven (7) members, three (3) of which are appointed by the Town, and three (3) of which are appointed by the Village, and one (1) appointed jointly by the Town and the Village. These members are appointed for a term of five (5) years. Said joint board was appointed and assumed responsibilities June 1<sup>st</sup>, 1997, and
2. That at the expiration of each original appointment to the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals, or if a vacancy shall occur in an unexpired term, vacant Town positions will be filled through appointment by the Town and vacant Village positions will be filled through appointment by the Village, the vacant

joint position will be appointed jointly by the Village and the Town, however, in the event either municipality is unable to fill appointments from their respective subdivision, both parties hereto agree to honor appointments from the Town or Village in an effort to maintain a viable Joint Town of Clayton/Village of Clayton Zoning Board of Appeals, and

3. Pursuant to the Intermunicipal Agreement (IMA), The Town and the Village jointly appoint three (3) alternate members to the Joint Zoning Board of Appeals and Candidates for alternate positions are referred to both Town and Village Boards by the Joint Zoning Board of Appeals for their approval. All Zoning Board of Appeals members and alternates must be sworn in by both Village and Town Clerks at the beginning of each term and swearing in to be recorded in each municipality. All respective terms of office to begin on May 1 and are for five years each, and

4. The alternates serve in the event that a regular member of the Joint Zoning Board of Appeals from that municipality is absent or unable to serve because of a conflict or interest on any matter pending before the Joint Zoning Board of Appeals. In the event the Joint Town/Village Zoning Board of Appeals lacks one or more regular members for any reason on any matter pending before it, the Chairperson or acting Chairperson may select an alternate member or members to sit in place of the absent member(s), and

5. That the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals will apply those standards for compliance and interpretation based on the regulations and guidelines as promulgated by the respective ordinance or law of each municipality, and

6. That the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals in conducting business will comply with other laws relative to Town and Village Law, General Municipal Law of the State of New York, and the provisions of the State Environmental Quality Review Act, and

7. That the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals shall hire an individual to act as Secretary to take minutes, keep records, and conduct correspondence and any other related task as requested by the Joint Zoning Board of Appeals. Each municipality shall budget for said position. The Zoning Board of Appeals shall set the salary for the secretary subject to Town/Village review. The Town will be responsible for ½ of the salary and the Village responsible for ½ of the salary of the secretary, and

8. That the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals shall adopt bylaws outlining its structure and function, including, but not limited to the selection of a Chairperson and Secretary, resolution procedures, meeting dates (one per month for a total of twelve per year unless otherwise warranted), and process for conducting meetings, and

9. That the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals shall have advisory capacity on matters of Zoning variances and interpretations to the Town Board and the Village Board and those duties stated in the respective zoning ordinance or law of each municipality, and

10. That the cost or services for the Chairman and Zoning Board of Appeals members, as well as training, shall be shared equally by the Town and the Village, and

11. That each year the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals shall meet in February to determine a budget for the upcoming fiscal year, subject to Town and Village review. For the purpose of this agreement, the Town and Village will contribute equally by providing for its prorated share of such budget by making an annual appropriation in its respective municipal budget. The fiscal agent for the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals shall be the

Town Director of Finance. Such agent will make bi-annual reports or by request to Village and Town Boards regarding the status of the Zoning Board of Appeals Budget, and

12. That, in the event litigation occurs on the part of a petitioner as a result of the action of the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals, the costs associated with such litigation shall be the responsibility of the municipality whose ordinance or law has jurisdiction in said case, and

13. That, to the extent outside costs for consultants or experts are incurred by the Joint Town of Clayton/Village of Clayton Zoning Board of Appeals, such costs will be passed through to the municipality requiring such services; where such costs are for the joint benefit of the Town and Village, E.G., Comprehensive Plan, said expenses shall be shared equally between the Village and the Town. Fiscal Agent to invoice the Village on quarterly basis for costs incurred, and

14. That, each municipality shall receive revenues based on the current fee structure stipulated in their respective Law/ordinance, and

15. All provisions of this section and of the Town and Village Law relating to Zoning Board of Appeals member training and continuing education, attendance, conflict of interest, compensation, eligibility, vacancy of office, removal and service on the Joint Zoning Board of Appeals shall also apply to alternate members.

16. That this agreement shall be interpreted by and in accordance with the laws of the State of New York and if at any time any portion of this agreement is found to be void, voidable or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any other provision of this agreement, and

17. That this agreement shall be for an initial term of five (5) years commencing on Sept 26, 2005 and ending on Sept 26, 2010; this agreement shall be automatically extended for additional five (5) year periods and upon the same terms and conditions. If either municipality intends not to extend or renew this agreement it must give notice to the other a minimum of one hundred eighty (180) days prior to the expiration of the initial term or renewal term of this agreement.

Approved by the Village Board of the Village of Clayton this 26<sup>th</sup> day of September 2005.

Debra L. Septon

Mayor

J. Miller

Clerk

Approved by the Town Board of the Town of Clayton this 24<sup>th</sup> day of August,

Robert W. Cantrell J

Supervisor

Kathleen E. LaClair

Deputy Clerk

*Lori Heithoff*

## Intermunicipal Agreement

### North Shore Council of Governments

#### **I. Purpose**

The purpose of the North Shore Council of Governments is to address issues that affect the North Shore communities and to effectively resolve them, whenever appropriate through cooperative actions carried out both individually and jointly under Article 5-G of General Municipal Law.

#### **II. Primary Objectives**

- A. To establish a forum by which issues and opportunities of common or individual interest can be discussed and acted upon through making recommendations for action, making resources available for action, or through acting cooperatively either through this intermunicipal agreement or as specified in a separate intermunicipal agreement.
- B. To retain community values that are important to the quality of life to the majority of residents, i.e., small town social structure and the sustainable balance of a diverse and productive natural environment.
- C. To visualize the future from a big picture or multimunicipal perspective and to create opportunities through cooperation for achieving such a vision.
- D. To explore all avenues of cooperation by and between participating municipalities.
- E. To obtain staff or to enter into an agreement with appropriate parties to provide staff who will service the member communities with circuit riding functions and serve as the Coordinator of the Council of Governments.
- F. To become recognized, both officially and unofficially, as the spokesman for the North Shore on issues affecting North Shore municipalities, including projects funded or proposed by other levels of governments.
- G. To be able to propose or to utilize the available state legislation, such as the Tug Hill Reserve Act, to plan and to retain the abovementioned purposes and values.
- H. To carry out project review cooperatively as necessary or desirable.

### **III. Membership**

The Council of Governments shall be made up of the supervisor or mayor from each member municipality with one vote from each municipality. An alternate representative from each governing board who has the right of the floor at all meetings, but may vote only in the absence of the supervisor or mayor, shall be designated by the governing board of each municipality at its annual organizational meeting. A quorum shall be constituted when a majority of the undersigned municipalities are present.

### **IV. Meetings**

The North Shore Council of Governments shall meet at least twice a year to agree on a budget, to evaluate performance during the past year, and to establish goals, objectives, and a work program for the following year. Other meetings may be called by the chairman following due and proper notice given to all participating municipalities, or at the request of two or more participating municipalities.

### **V. Fiscal Officer**

A fiscal officer of one of the participating municipalities shall be designated by resolution of the North Shore Council of Governments as the fiscal officer. The fiscal officer shall receive all contributions from outside sources and from participating municipalities, and shall provide an accounting of all activities to the North Shore Council of Governments and/or to any participating municipality on request or according to a schedule as determined by resolution of the Council of Governments.

### **VI. Finances**

The fiscal year for the North Shore Council of Governments shall be the calendar year. The council shall establish and approve an annual budget estimate for the next year prior to October 1 of each year and finalize it before the end of the calendar year. Each participating municipality shall pay its annual appropriation within sixty (60) days of receipt of its warrant from the Council.

### **VII. Committees**

The Council of Governments may appoint standing or temporary committees.

### **VIII. Amendments**

All amendments to this agreement shall be signed by all municipalities which are parties to the agreement. Additional municipalities may be added to this agreement by the amendment procedure.

**IX. Withdrawal**

Any participating municipality may withdraw from the North Shore Council of Governments and from the conditions of this agreement by giving written notice of withdrawal to the fiscal officer. Such withdrawal shall become effective at the end of the fiscal year for which the member has already contributed.

**X. Bylaws**

The Council of Governments and the Advisory Council may adopt bylaws by simple majority.

**XI. Rescission of April 8, 1981 Intermunicipal Agreement**

Within thirty days of the signing of this Intermunicipal Agreement, the Intermunicipal Agreement dated April 8, 1981 shall be superseded by this agreement.

Approved by the Town Board of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
*Authorized Signature*

Approved by the Town Board of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
*Authorized Signature*

Approved by the Town Board of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
*Authorized Signature*

Approved by the Village Board of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
*Authorized Signature*

Approved by the Village Board of \_\_\_\_\_ this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
*Authorized Signature*



# GOVERNMENT LAW CENTER

## INTERMUNICIPAL COOPERATION IN LAND USE PLANNING

### Introduction

In New York, the authority to engage in zoning and other land use controls rests with the city, town and village government (see, General City Law sec. 20(24), Town Law sec. 261, Village Law sec. 7-700). While the exercise of this discretion is purely local in nature, a number of jurisdictions have experimented with cooperative efforts in land use planning to accomplish a variety of goals.

There are several reasons why local legislative bodies, planning boards and zoning boards might wish to consider cooperative efforts, including:

- Potential cost savings with shared enforcement efforts;*
- More efficient use of volunteers with joint or intermunicipal boards and commissions;*
- Added cost savings through shared use of staff and consultants;*
- Maximized educational opportunities with joint training*

*sessions;*

—*Greater coordination and consistency with regional or county partnerships; and*

—*Rational resource protection and economic development efforts reflecting extra-municipal boundaries.*

The impacts of purely local land use decisions know no political boundaries. Contemporary decision-making must take into account regional awareness and regional needs given the nature of market forces and the geographic distribution of resources (e.g., a single water supply aquifer situated within the boundaries of three towns). Voluntary intermunicipal cooperative efforts with respect to land use planning and zoning would serve the long term interests of all neighboring jurisdictions.

### The Legal Framework

New York statutes now provide flexibility for municipalities interested in cooperative efforts in land use planning, zoning, and other ventures. Although a number of

special laws set up a framework for voluntary regional planning through the establishment of a commission or council (e.g., the Commission on Tug Hill and the Hudson River Valley Greenway Communities Council), the purpose of this memorandum is to detail other legislative enactments which allow two or more localities anywhere in the State to voluntarily cooperate on their own initiative.

### General Municipal Law

Article 5-g of the General Municipal Law grants to municipalities broad authorization to cooperate in the joint delivery of services and programs. Under Article 5-g, two or more municipalities may enter into a contract agreement with each other to provide cooperative services. The term "services" is broadly construed and can generally be classified as anything that each of the municipalities would legally be allowed to accomplish independent of each other. The State Comptroller has issued

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several opinions with respect to joint planning and zoning arrangements under this section, each time reiterating the soundness of the agreement.

***The State Comptroller has opined:***

*A town and a village within that town may establish a joint planning board, and that board may be given the authority for subdivision plat approval. (25 Op. State Compt. 12, 1969)*

*A town and village may agree to plan jointly in an urban planning assistance project and may appropriate costs therefore. (23 Op. State Compt. 505, 1969)*

*A town and a village may establish a joint "tree trust" to accept gifts of money to be used for planting and maintaining trees on public property. (Op. State Compt. 80-768).*

**Recent Changes in the Law**

In 1993, the New York State Legislature specifically clarified how municipalities might cooperate with respect to land use planning (see, General Municipal Law sec. 119-u, General City Law sec. 20-g, Village Law sec. 7-741 and Town Law sec. 284). The new provisions clearly state that municipalities may join together to:

*—Create a comprehensive land use plan as well as land use regulations, which may then be adopted by each participating municipality independently. [This would enable jurisdictions with limited resources to jointly contract with a professional planner to assist them in developing a comprehensive plan and land use regulations.]*

*—Contract with each other to administer and enforce their land use regulations. [Often municipalities do not have the resources to independently administer and enforce their land use regulations. Contracting with another municipality for the services of a certified building inspector allows towns with limited fiscal resources the opportunity to have their land use regulations vigorously enforced. It also enables localities to properly administer and enforce the State mandated Uniform Building and Fire Code.]*

*—Create an intermunicipal overlay district. [This permits communities to cooperate with each other to protect, enhance or develop a shared resource.]*

*—Cooperate with each other by consolidating their planning and zoning boards. [This facilitates the opportunity to manage growth and development while taking into account the effects of land use decisions on neighboring jurisdictions and regional resources.]*

In addition to these above described traditional approaches to formal contractual cooperative arrangements, New York law allows for sharing of information and technical assistance with respect to planning and zoning in a number of other ways.

***The Tug Hill Experience***

**I**n the late 1970s, five towns decided that rather than each individually appointing a zoning board of appeals, they would appoint a joint or cooperative board. This arrangement was accomplished through an intermunicipal agreement which called for the legislative body of each participating municipality to appoint a representative to the cooperative zoning board of appeals.

**Planning Federations**

The General Municipal Law authorizes municipalities within a county to band together to form a voluntary association to promote community planning (see, General Municipal Law sec. 239-e). Such an association can: act as a clearinghouse for planning information; assist localities by providing technical assistance; serve as a convenor of regular training programs and seminars; and facilitate the exchange of information and dialogue between municipalities within the county. The organization can be loosely coordinated, with responsibilities for yearly activities rotating among member jurisdictions, or it can be a dues collecting entity which employs part-time or full-time staff. Currently, there are a number of planning federations in New York State including ones in Onondaga, Rockland and Westchester.

**Regional Planning Boards**

The General Municipal Law also authorizes counties and towns to form regional planning boards. These boards are authorized to conduct land use studies and develop a regional master plan that may be used by municipalities to assist them in creating local land use regulations in conformity with a regional view of land use issues. Nine regional planning boards currently exist within the State, encompassing fifty-two of the State's fifty-seven counties outside of New York City. These boards are voluntarily funded by participating counties, and are an excellent source of statistical and demographic information for member municipalities.

**Interacting with the County**

According to the General Municipal Law, counties may establish county planning boards,

and counties further possess the authority to establish planning departments. When established, these bodies can be a resource to municipalities within the region, providing advice and technical assistance with respect to issues and impacts which cross-over traditional political boundaries.

Since county governments lack zoning authority and authority to control local land uses, municipalities questioned whether they could legally enter into a joint agreement with counties for planning and zoning services and functions. A new statute, (Gen. Municipal Law sec. 239-d(10)), now recognizes counties as an entity which may contract with municipalities to cooperate in intermunicipal land use planning. This means that the county planning department, which encompasses the cooperating municipalities, may participate in the administration of the municipalities' consolidated planning and zoning program.

#### **Overlay Districts and County Assistance in Land Use Planning**

Many municipalities share common resources. For example, a scenic highway may run through more than one jurisdiction. Each municipality would have an interest in controlling development along the highway to preserve the quality of this resource. By creating an overlay district encompassing the entire scenic highway, a situation could be created wherein each municipality could have meaningful input and shared decisionmaking about how land along the highway would be developed. A special planning board and zoning board, composed of representatives from each participating municipality, could have ultimate oversight of development in the overlay district. This would allow the shared resource to be looked at compre-

hensively, as a whole, thereby facilitating the decision-making process involved in preserving or enhancing the resource.

If the jurisdictions encompassed in the overlay district were reluctant to cooperate with each other due to local political concerns, they may contract with the county to elicit assistance in managing the shared resource. For example, a county planning board could have oversight of the overlay district, thereby freeing the municipalities from the constraints of local politics and allowing cooperation that would ultimately enhance and preserve the municipalities' shared resource.

#### **How to Create an Intermunicipal Agreement**

Since we are dealing with a voluntary agreement, informal discussions between representatives of the neighboring jurisdictions is what usually begins the process. To begin more formally, however, two or more municipalities may wish to consider forming a joint municipal survey committee to study and propose possible cooperative activities with respect to planning and zoning (see, General Municipal Law Article 12-C). Once the parties to the proposed agreement have hammered out all of the issues, it would be a good idea for each participating municipality to share this information with their attorneys for drafting. The New York State Department of State provides a publication on Intermunicipal Cooperation which contains sample agreements.

Any agreement entered into by municipalities must be approved by a majority of each municipality's governing body. New York's law is so flexible and user-friendly, that Article 5-g ultimately allows municipalities to negotiate and tailor an agreement to address any

reasonably necessary matters that might arise in a cooperative venture. For example, an intermunicipal agreement with respect to planning and zoning may address, among other things: employment issues such as how joint personnel will be hired, compensated, and discharged; apportioning costs with respect to salary and benefits; who has specific oversight responsibilities; where the joint activities will take place and when; acceptance of gifts; apportioning of insurance costs and liability; the duration of the agreement; and the periodic review of the agreement. By agreeing on these types of issues ahead of time, local governments can retain a comfortable level of control while dealing with problems on an area-wide basis.

#### **Northern Oneida County Council of Government (NOCCOG)**

In the early 1980's ten towns and six villages in northern Oneida County joined together to form the Northern Oneida County Council of Government (NOCCOG). This affiliation sought to promote and assist in community planning in northern Oneida County. Joined together in this planning federation, the towns and villages involved were able to interact in a mutually beneficial manner. NOCCOG offered the municipalities an opportunity to exchange information and create a cooperative network to assist in community planning. A positive outgrowth of this affiliation was the fielding of three circuit rider land use planners. Two of the circuit riders are part-time and one is full-time. Each is a generalist in the field of land use planning.

## **Conclusion**

Intermunicipal cooperation in land use planning is an idea whose time has come. Resource constraints have made it harder and harder for many municipalities to contend with the increasingly complex issues of land use planning. Many rural communities lack both human resources and the fiscal resource necessary to administer and enforce land use regulations. Some communities lack even the resources necessary to create land use regulations. Through intermunicipal agreements and the assistance of regional planning entities, municipalities have the opportunity to overcome these obstacles. In a system predicated on cooperation, municipalities are able to interact with other municipalities and exchange information; and ultimately to preserve and enhance their quality of life in a way that will benefit all of society.

## *For more information contact:*

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Department of State  
Office for Local  
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162 Washington Avenue  
Albany, New York 12231  
518-473-3355  
518-474-6740

## **Suggested Reading:**

**Local Government Technical  
Series: Intergovernmental Coop-  
eration.** New York State Depart-  
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**Consolidation Handbook,** New  
York State Department of State  
(1993).

**Developing Effective Regional  
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National League of Cities  
Washington, D.C. (1994).

**Regional Planning in NYS: A  
State Rich in National Models,  
Yet Weak in Overall Statewide  
Planning Coordination,** vol 13  
Pace Law Review, p. 505 (1993)

**Legal Processes for Facilitating  
Consolidation and Cooperation  
Among Local Governments:  
Models from Other States.**  
Government Law Center (1990).

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