

Shelby – Ridgeway Town Court Merger Case Study

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1. Municipal Characteristics

Indicators	Town of Shelby	Town of Ridgeway
2000 Population	5,420	6,886
Land Area (sq. mi.)	46.7	50.3
Assessed Value Fully Taxable	\$140,479,518	\$181,818,116
Full Valuation Taxable Real Property	\$143,346,446	\$189,393,870
Total Tax Levy	\$511,232	\$481,214
Total Debt Outstanding	\$1,467,900	\$3,075,300
Total State Aid Revenue	\$144,904	\$292,052
Total Revenue w/ State Aid	\$1,263,678	\$1,796,430
Debt Service	\$97,056	\$155,646
Total Expenditures w/ Debt Service	\$1,356,245	\$2,192,219

*2004 data

Total expenditures for the functional area involved (e.g. transportation, health, police, fire, etc.)

Town of Shelby - \$22,336

Town of Ridgeway – \$25,767

2. Project Description & Impetus

The objective of the Town of Shelby and the Town of Ridgeway was to reduce the cost of town government. According to Town of Shelby Supervisor Merle “Skip” Draper, elected officials are continually bombarded with the “cost of government”. The criticism comes from the tax payers including business owners who are concerned with the growing cost of government. The Uniform Justice Court Act, section 106-A authorizes town boards of two adjacent towns within the same county to establish a single town court.

Robert “Bob” Waters was the Town of Ridgeway Deputy Supervisor, during the Town Court Merger discussions. Bob describes himself as always having been interested in regionalism. For years he was the owner of the local daily newspaper, retired from the paper and took a job as Press Secretary for a local Senator. It was while he was in Albany that he became more aware of the overlap in government. While on the Ridgeway Town Board he suggested they take a look at the idea of merging the two Town Courts. The Town of Ridgeway and Town of Shelby had a history of cooperation and sharing services, particularly in their respective highway departments. The two towns had also shared high cost equipment items so each town didn’t need to own a piece of equipment that might get used infrequently. He believes this cooperative relationship laid the foundation for the successful court merger.

Both the Town of Shelby and the Town of Ridgeway, in Orleans County, operated two town justice courts employing two justices each and two court clerks each, for a total of eight (8) employees. If consolidated the total number would be reduced to half or two judges and two clerks. The town boards viewed this consolidation as an opportunity to save tax dollars. Perhaps not a lot of tax dollars but they believed it was a step in the right direction. Skip Draper noted the numerous taxing entities in New York State including villages, towns, school districts, fire districts, etc. It is his opinion that elected officials must look for ways to eliminate costs and he believes consolidations/mergers can move them in that direction. He is hopeful that the court merger will lead the way to other opportunities.

The daily newspapers in the region regularly reported the progress of the consolidation process. The content of the news articles primarily explained the process and presented the facts related to the dollar savings. A Letter to the Editor from the Town of Shelby justices was published explaining the efficiency of the court in terms of “cost per case”. One Town Justice from Ridgeway wrote on at least two occasions urging voters to “vote “no” for this poor excuse of a resolution”. Town Councilman, Robert Waters wrote a letter to the editor that outlined the rationale for the consolidation as well as the need to look at future cost saving cooperative efforts. One individual, who appears to have no vested interest in the consolidation, did submit a Letter to the Editor in support, citing the need to eliminate duplication in government.

The Orleans County Chamber of Commerce publicly supported the consolidation, submitting an article to the “Peoples Forum” section of the daily newspaper. The Chamber’s Executive Director cited all the reasons to support the consolidation and urged voters to approve the resolution. Following the vote and the subsequent consolidation the Chamber presented the Towns of Ridgeway and Shelby with Honorary Awards for their work on the merger.

3. Proposal(s) and Proposed Funding

The Joint Resolution of the Towns of Ridgeway and Shelby to establish one single Town Court for the Towns of Ridgeway and Shelby and to reduce the number of Town justices from two justices in each town to one justice from each town was approved by the voters in both towns.

This was not a new proposal or program. The existing Justice courts in each of the towns were funded through town tax dollars. The consolidation proposal reduced the total number of personnel from eight to four eliminating those personal service costs, resulting in a savings to both townships.

The two remaining Town Justices, with the help of their Court Clerks and the support of the Town Boards of Ridgeway and Shelby were responsible for the implementation.

The Town of Ridgeway Town Board and the Town of Shelby Town Board both passed a resolution to establish one single Justice Court, reducing the number of Justices. Pursuant to the Uniform Justice Court Act the resolution then had to be approved by the voters in both townships. On November 4, 2003 the proposal was approved by both townships.

The opposition raised came from three of the four sitting justices. Their arguments included insignificant savings, loss of town identity and lack of convenience, particularly to law enforcement. The estimated savings amounted to \$20,000 between the two townships. One courtroom would be maintained in the Town of Shelby meaning the Town of Ridgeway Court citizens would have to travel to Shelby. Please note there is slightly more than one mile between the Town of Ridgeway and Town of Shelby office buildings. Each town would elect one justice but the justices would have concurrent jurisdiction over matters in both towns.

4. Legal Foundation and Legal Checklist

The Uniform Justice Court Act, section 106-a., Reducing the number of justices in adjacent towns, establishes a legal process to authorize one town court between two adjacent towns. The process may be initiated by the town board(s), by resolution or by petition, addressed to both town boards, signed by registered voters in each of the towns. The specific requirements for the petition are outlined in the attached law. Following the submission of a resolution or petition the town boards shall schedule a joint public hearing. Following the public hearing the town boards will individually determine whether or not the resolution/petition will be approved. If either of the town boards fails to approve the resolution the process to establish one shared court terminates and the existing courts continue to operate. When approved by both town boards a joint resolution is placed on the ballot of the next general election.

The joint resolution of the Towns of Shelby and Ridgeway to reduce the number of town justices and establish a single Town Court appeared on the towns' November 2003 general election ballot. Voters in the Town of Shelby voted 322 Yes and 277 NO. Voters in the Town of Ridgeway voted 517 Yes and 371 No. Had the vote failed to pass in either township the towns would be required to continue court operations with two courts, four judges and 4 court clerks. On January 1, 2004, the Towns of Shelby and Ridgeway entered into an intermunicipal agreement outlining the details of the Town Court for the Towns of Ridgeway and Shelby.

A letter was received by each of the town boards from an attorney representing the two justices whose positions would be abolished if the resolution to merge the courts was approved. In that letter the attorney cites the reasons the justice's positions cannot be abolished prior to the end of their respective terms. The letter requests a recession of the resolution and "In the event the Town Boards do not so act, a lawsuit will be commenced in Supreme Court seeking injunctive relief, a declaration of the illegality of the Joint Resolution, and damages for any financial loss incurred by any of the Justices affected by the resolution". No legal action was commenced to date.

5. Views on the Issue

Both the Town of Shelby and Town of Ridgeway approved the resolution to establish one justice court for the two townships. A resolution went to public referendum and was approved by a majority of the voters in each of the townships. The initial arguments presented in favor of the proposal were all related to the cost savings.

Orleans County District Attorney Joseph Cardone publicly supported the proposal citing savings to the county as a result of "having the courts centralized". There would be a savings by not having to send out representatives from the District Attorney's office, the Public Defender's office, the Sheriff's Department and the Probation Department. DA Cardone stated at the public hearing, "I have to say that I think it does make sense to

consolidate the courts in this county, particularly, when you take into consideration the size of our county, the costs that there are in government and the problems we’re having with budgets in the county.” The District Attorney believed “with consolidation we would have more consistency and more

The arguments presented against the proposal came primarily from the sitting justices. Concerns were raised related to decreased customer service, loss of town identity and an inconvenience to law enforcement. One individual at the public hearing believed the savings figures projected by the town boards were inaccurate, citing an actual savings of less than \$5,000.

According to one justice’s figures, the savings resulting from the proposal will be three-quarters of one percent of the total town budget. Why go to all this trouble for such an insignificant savings. One justice suggested the Town Boards look to other areas of town government for savings but not the justice courts. Supporters argued that the savings have to start somewhere. Several believed that the “message” that would be sent by the approval of the consolidation was more significant than the savings.

6. Results

As provided for in the Uniform Justice Court Act the Towns of Ridgeway and Shelby established one justice court with two justices and two court clerks, one representing each township. The consolidation was done without raising justice’s salaries to accommodate increased workloads and there were no collective bargaining issues in that justices are elected officials. Their Court Clerks are not represented by a union. The Town of Shelby did raise their Justice’s salary to be on par with the Town of Ridgeway Justice’s salary. According to the Uniform Justice Court Act each of the Towns must decide by resolution which Justice positions will be eliminated. If the respective town boards cannot agree than it will be by lot. In this instance the Town of Ridgeway Town Board approved a resolution specifically eliminating one of the Justice’s positions. The Town of Shelby had a Town Justice retire leaving one Justice position.

There was some expectation of legal consequences when eliminating elected positions during existing terms but no legal action materialized.

The proposal was to locate the Town of Ridgeway Justice Court in the Town of Shelby Town Office so the general public would have to be informed of the new court location. For most justice court proceedings an individual receives an Appearance ticket directing them to the location of the court.

The Joint Resolution to Reduce Number of Justices And To Establish Single Town Court For Towns Of Ridgeway and Shelby, was adopted by the voters in the Town of Ridgeway and the Town of Shelby, as proposed. The expectation was a reduction in costs for both townships. The following table represents the Justice Court expenditures for each township in 2003 (before the consolidation), through 2006 (with consolidation). The expenditures include only personal service expenses. Contractual expenses in both townships fluctuated and are difficult to control. Variables include the use of interpreters, court stenographers, insurance costs and cost related to the automation of the courts’ records.

Year	Town of Ridgeway	Town of Shelby
2003	\$26,241	\$19,869
2004	\$15,259	\$20,597
2005	\$14,451	\$18,802
2006	\$14,487	\$18,945

Looking at the figures above the Town of Ridgeway has gained the most in savings as a result of the merger. It should be noted that the one remaining judge in Shelby did receive a salary increase to bring that salary in line

with the Town of Ridgeway's Justice salary. Ridgeway exceeded their projected savings and Shelby savings fell short of the projections but none the less they did realize a savings.

7. Implementation

The objective of consolidating the Town of Ridgeway and Town of Shelby Justice Courts to save tax dollars was successfully implemented. They were able to reduce the number of personnel by fifty percent. The Town of Ridgeway has gained the most financially, currently spending \$12,000 less in personnel expenditures than the pre consolidation expenditures. (see table on page 8) If increased costs are factored in the savings become substantially greater. The Town of Shelby has realized a savings of less than one thousand dollars but there has not been an increase in costs. Anytime governments can "hold the line" on spending the taxpayer benefits.

Concerns raised during the consolidation process have not come to fruition. There has not been a loss of Town identity nor have there been issues with customer service. In fact had you not been aware that there were once separate courts you would think the consolidated court had always existed. One Judge believes that the customer service has improved greatly. People no longer get confused where they need to go and they are able to pay their fines and fees whenever the Town of Shelby Office is open for business. In addition the court facilities are some of the nicest this writer has seen. The court room is very professional and formal looking and there are separate attorney – client conference rooms available.

The Town of Ridgeway Court moved from somewhat cramped quarters to the Town of Shelby building which provided a spacious modern court room bordered by smaller rooms that can be used as attorney client interview rooms. This writer had no problem locating the Town of Shelby address. When looking for the Town of Ridgeway building I found it after a couple of u-turns, located off the street behind another building.

8. Expectations vs. Results

Following the approval of the voters the Towns of Ridgeway and Shelby entered into an agreement outlining the implementation of the joint Towns of Ridgeway – Shelby Town Court. Each town agreed to abolish one of their Justice positions and continue to pay the salary of its one remaining justice. The agreement went on to outline specifics related to court operations.

9. Factors contributing to success/failure

The success of this proposal to consolidate the two Town's Courts was a result of a cooperative relationship that has existed over the years between the two Towns. Geographically the Town of Ridgeway borders the Town of Shelby to the North. The Village of Medina sits exactly on the border of the two towns split in half by the town line. Half the village is in Ridgeway and half is in Shelby. The Town Offices are one mile apart with the Town of Shelby office literally just across the railroad tracks, which are the town line. Also the Town of Shelby had recently acquired a new Town Office building which was able to accommodate their highway department as well as their other town offices with additional space for the court room and adjacent offices. The Town of Shelby facility had previously been a Niagara Mohawk building that was closed as part of the National Grid consolidations.

The resolution required voter approval so ultimately it was the voters who decided that the consolidation of the courts should move forward.

The Town Officials interviewed during the course of the case study are very forward thinking individuals who recognize the need to downsize government and eliminate duplication as it relates to services provided. Councilman Waters was familiar with other regionalism efforts and had some personal contact with the University of Buffalo's Institute for Local Governance & Regional Growth.

10. The 10 Step Program

The Towns of Ridgeway and Shelby Town Boards did follow the “Ten Step Program for Shared Service Arrangements”. Perhaps not step by step but they did examine all the points noted in the Ten Step program. The problem was defined as rising costs to the taxpayer and a need to reduce costs. They identified one possible solution, the consolidation of the Towns’ Justice Courts as a way to start saving dollars. Each of the Town Boards projected the potential savings, reviewed the legal authority to establish one Justice Court for two adjacent towns and proceeded with the process outlined by law. After obtaining voter approval the Boards came to agreement regarding the implementation of the consolidated courts, including the general operations and the recording keeping. During the implementation stages the Towns worked together to problem solve and today three years later the consolidated court operates as if it had always been the Ridgeway – Shelby Justice Court

Follow up evaluation of the consolidation has not occurred on a formal basis but the Town Boards have always been responsive to the Court’s requests.

11. Technical Assistance

There were no specific forms of technical assistance provided other than the legal advise provided by the Town Attorney. The provisions in the Uniform Justice Court Act, section 106-a., clearly outline the process. As near as can be determined the Towns of Ridgeway and Shelby were the first townships in New York State to take advantage of the UJCA provisions.

12. List of Documents

1. Uniform Justice Court Act, Section 106-a.
2. Joint Resolutions approved by Towns
3. Legal Notice of Public Hearing
4. Board of Election Letters certifying the voting results
5. Resolutions by Towns Eliminating Justice Positions
6. Agreement between the Towns
7. Attorney Mark Lance’s letter to the Towns regarding litigation

13. Additional comments/suggestions/helpful hints

The consolidation of the Town of Shelby and the Town of Ridgeway Justice Courts has evolved as anticipated and the Towns are saving tax dollars. Perhaps the savings have not been huge but the costs have not increased. In times when we are seeing dramatic cost increases in health care and NYS Retirement costs to be able to hold the line in spending is a significant accomplishment. But perhaps even more important than the cost savings is the message sent to the constituents/taxpayers.

All Town Boards in New York should study the feasibility of consolidating their justice courts. With the provisions in the Uniform Justice Court Act Town Boards must ask themselves “do we need two justices?” When considering consolidations the Town of Ridgeway-Shelby Justice Court is a good model. To avoid some of the obstacles that Ridgeway and Shelby experienced the consolidation could be considered at the end of a judge’s term rather than midterm or at the time a judge announces his/her intention of not seeking reelection. In many cases town judges have served for years and their removal from office by abolishing the position becomes an emotional issue. With regard to compensation Towns could consider an adjustment to the justice’s salary, following consolidation to provide for the increased workload. However, this writer knows of no occupation that has not been asked or required to “do more for less”. Before making any compensation decisions the Town Boards should review other salary schedules in neighboring towns and compare workloads.

No doubt, consolidations and mergers that eliminate personnel will become personal and emotional, especially for those whose jobs are being eliminated. But good government requires all elected officials to look for ways of saving tax dollars. Unfortunately, the lion's share of any government's budget is personnel and related expenses. Elected town officials are driven by their civic duty not the size of their paycheck. When it is time to make the tough decisions their desire for "good cost effective government" will prevail.

The consolidation of the Town of Ridgeway and Town of Shelby Justice Courts has been a "Win-Win" for both the Towns' Governments and the Towns' taxpayers.

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