



**NYS Department of State  
Albany Law School/Government Law Center  
Shared Municipal Services Technical Assistance Project  
Case Study Template**

**1. Community Identifiers**

1. For “lead” municipality (listed first) and each participating municipality, the name and type of municipality (e.g. County of Albany; City of Schenectady; Town of Hempstead; Village of Scotia; Colonie Central School District);

<u>Participating Municipality</u>	<u>Type of Municipality</u>
<b>Town of Lancaster</b>	<b>Town</b>
<b>Village of Lancaster</b>	<b>Village</b>
<b>Village of Depew</b>	<b>Village</b>

2. Most recent U.S. Census population and land area of each participating municipality;

<u>Participating Municipality</u>	<u>2000 Census Population</u>	<u>Land Area (sq. miles)</u>
<b>Town of Lancaster</b>	<b>39,019</b>	<b>38 (approx.)</b>
<b>Village of Lancaster</b>	<b>11,188</b>	<b>3 (approx.)</b>
<b>Village of Depew</b>	<b>16,629</b>	<b>5 (approx.)</b>

**\*\*\*SEE ATTACHED MAP OF ERIE COUNTY FOR BOUNDARIES OF PARTICIPATING MUNICIPALITIES.**

3. Fiscal metrics for each participating municipality taken from the Comptroller’s local government data base for the most recent year available, including, but not limited to:

- Total taxable assessed and full value of real property;
- Total tax levy;
- Total debt outstanding;
- Total revenues, with total state aid shown separately;
- Total expenditures, with total debt service shown separately; and
- Total expenditures for the functional area involved (e.g. transportation, health, police, fire, etc.)
- Other.

**\*\*\*SEE ATTACHED FISCAL METRICS TABLE for data on Town of Lancaster and Villages of Depew and Lancaster, data source: New York State Office of the State Comptroller, Local Government Services, Financial Data for Local Governments.**

4. People involved in the case study should be identified and interviewed. This should include, but not be limited to the chief elected official of the municipalities involved, department heads and appropriate employees, municipal attorneys or attorneys hired by the municipality(s), other local officials, representatives from advocacy groups and the media, and others who may have played a critical role. (Please include their contact information in Appendix A).

- Robert H. Giza, Supervisor, Town of Lancaster;
- Johanna M. Coleman, Town Clerk, Town of Lancaster;
- David Brown, Director of Administration & Finance, Town of Lancaster;
- William G. Cansdale, Mayor, Village of Lancaster;
- Tammy Derkovitz, Village Clerk, Village of Lancaster;
- Joseph G. McIntosh, Mayor, Village of Depew;
- Robert Kucewicz, Village Clerk & former Mayor, Village of Depew;
- Gary F. Stoldt, Chief of Police, Lancaster Police Department;
- Karen Freund, Senior Clerk, Assistant to Police Chief, Lancaster Police Department
- Officer Joseph J. Formato, President, Lancaster Police Department PBA;
- Lt. Jerry Gill, Lancaster Police Department, (former President, Town of Lancaster PBA);
- Arthur A. Herdzik, Esq. Attorney for Village of Lancaster;
- Richard Sherwood, Esq., Attorney for Town of Lancaster;
- Paul D. Weiss, Esq., Attorney for Village of Lancaster PBA;

5. Outside agencies or individuals that provided technical assistance help should also be identified, and if appropriate, contacted to ascertain the nature and extent of assistance rendered. (Please include their contact

information in Appendix A).

- New York State Division of Criminal Justice Services (DCJS) Office of Public Safety (OPS), Administrative Studies Program, Bureau for Municipal Police— In July 2000, the Office of Public Safety of the DCJS was engaged by Town of Lancaster Police Chief Thomas Fowler and Village of Lancaster Police Chief Gary Stoldt to determine the feasibility of consolidating police services in the Village and Town of Lancaster. The OPS analysis concerning the feasibility of a consolidation was based on its assessment of the police staffing needs of the area (Village and Town of Lancaster).
- Center for Governmental Research (CGR) Inc.—In 2001, CGR was engaged by the Buffalo Niagara Partnership to conduct an assessment of the cost or fiscal impact of a consolidated police department in the Village and Town of Lancaster. It is important to note that CGR's analysis did *not* include an assessment of whether the proposed consolidation of police departments was feasible, nor did CGR's report examine level of service issues (e.g., how many sworn officers and civilian personnel are needed to deliver police services to residents in the Village and Town of Lancaster).

## 2. Background on the Issue Addressed

The municipalities that are the subject of this case study, the Town of Lancaster and the Villages of Lancaster and Depew, have a long history of working together to address a variety of issues across a range of services.

This case study will outline the range of municipal cooperative arrangements between these three governments in Erie County from approximately the mid-1990's to the present and will profile the consolidation of the police departments of the Village of Lancaster and the Town of Lancaster that was accomplished in 2003.

The specific issues and governmental functions that the Town of Lancaster and the Villages of Lancaster and Depew have worked cooperatively to address since the mid-1990's include (by general category, then by specific service or function and the municipal parties involved):

- General Government—Records Management/Administration, Village and Town of Lancaster;
- Financial Services—Building Inspections Services, Village and Town of Lancaster;
- Financial Services—Assessing Services, Village of Lancaster and Town of Lancaster and Village of Depew and Town of Lancaster;
- Parks and Recreation—Summer Youth Recreation Program, Village and Town of Lancaster;
- Health and Human Services—Youth Court Program, Town of Lancaster and Village of Depew;
- Public Safety—Animal Control Services, Village and Town of Lancaster and Town of Lancaster and Village of Depew;
- Public Safety—Police Services, Village and Town of Lancaster;
- Public Works—Community Development, Village and Town of Lancaster;

1. Provide a clear description of the issue being addressed, and the where the impetus for the project came from. Include, if available, community discussion from newspaper articles, letters to the editor, correspondence with elected officials, etc.;

General Government—Village and Town of Lancaster Joint Archival Facility: The impetus for this project was the desire to create a less costly, more accessible means of storing and retrieving municipal records. A grant in the amount of \$37,964.00 was secured by the municipalities for the purpose of constructing an archiving facility for their mutual use, access and benefit. This grant represents state money and is administered by the NYS Archives through its ongoing [Local Government Records Management Improvement Fund \(LGRMIF\)](#) which supports records management and archives-related projects in local governments throughout New York.

Financial Services— Merger of Building Inspections' Offices between Village and Town of Lancaster: The impetus for the merger of the Village of Lancaster and Town of Lancaster Building Inspections Offices was a vacancy created in the Village of Lancaster following the resignation of its Building Inspector/Code Enforcement Officer and to enable the Village to provide building inspection services at a reduced cost.

Financial Services—Merger of Assessing Services between Village of Lancaster and Town of Lancaster: Pursuant to Section 1402 (3) of the Real Property Tax Law, the Village of Lancaster voluntarily terminated its status as an assessing unit, abolished the position of Assessor and terminated responsibility for review of assessments of real property within the Village of Lancaster. Impetus for this merger/consolidation was the desire of the Village to provide assessment services at a lower cost and more efficiently than by continuing to operate its own department. The Town of Lancaster agreed to accommodate the Village by assuming responsibility for providing all necessary assessment related services for all real property located in the Village

of Lancaster in return for fair consideration paid by the Village to the Town.

**Financial Services—Cooperative Assessing Services between Village of Depew and Town of Lancaster:**  
Impetus for this agreement was the desire of the Village of Depew to remain an assessing unit while utilizing the tax rolls prepared and maintained by the Towns of Lancaster and Cheektowaga (for that portion of Depew within its borders). Under the terms of the Agreement for Assessing Services by and between the Town of Lancaster, Town of Cheektowaga and Village of Depew, the Town of Lancaster provides all necessary assessment related services to the portion of the Village of Depew which is located within the Town of Lancaster and Cheektowaga provides all necessary assessment related services to that portion of the Village of Depew which is located within its borders.

**Parks and Recreation—Town and Village of Lancaster Summer Youth Recreation Program:**  
Pursuant to an Agreement between the Town and Village of Lancaster, the Town is granted a lease to use a portion of the property owned by the Village for purposes of operating an organized playground and recreation program each summer season. Impetus for the program was the Town's desire to meet community need for this type of program in this area of the Village of Lancaster.

**Health and Human Services—Town of Lancaster and Village of Depew Agreement for Participation in Youth Court Program:**  
Pursuant to an Agreement between the Town of Lancaster and the Village of Depew, the Town's Youth Bureau accepts referrals through its Youth Court and Community Sanctions Program from the Village of Depew. Impetus for this program was the Village of Depew's receipt of a Youth and Community Sanctions grant from the New York State Division of Criminal Justice Services and the Town of Lancaster's receipt of compensation for its services.

**Public Safety—Town of Lancaster and Villages of Depew and Lancaster Agreement for Animal Control Services:**  
Pursuant to Agreements with the Villages of Depew and Lancaster, the Town of Lancaster provides dog control services to each Village. Impetus for sharing these services was the Town's history of providing dog control services to the Villages at a lower cost and more efficiently than either Village could provide on its own.

**Public Safety— Village and Town of Lancaster Consolidation of Police Services:**  
Pursuant to Agreement the Village of Lancaster's police services were transferred to the Town of Lancaster to create one unit, the Lancaster Police Department, to serve both the Village and Town of Lancaster. Impetus for the consolidation: the prospect of cost savings to the municipalities and their residents; and receipt from the County of Erie of a one-time payment of \$700,000 to compensate the Village of Lancaster for the costs associated with the transfer of its police functions to the Town.

**Public Works—Town and Village of Lancaster Central Avenue Streetscape Revitalization Project:**  
Pursuant to Agreement between the Town and Village of Lancaster, Town will contribute to the Village's Central Avenue Streetscape Revitalization project; the Town's contribution will include replacement of bridge infrastructure and deck for sidewalk over Plumb Bottom Creek and improvements to front of the Town Hall at 21 Central Avenue. Impetus for this project is mutual benefit of these improvements to the respective municipalities.

**Health/Human Services—Youth Court Program.**

2. What is the legal foundation? Were there any lawsuits involved in the issue being addressed, local resolutions passed or intergovernmental agreements entered into? (Copies of all legal documents should be obtained and listed on Appendix B – List of Legal Documents)

**General Government—Joint Archival Facility between the Town of Lancaster and the Village of Lancaster.**  
Legal Foundation: Resolution of the Town Board of the Town of Lancaster dated August 5, 2002 and the Intermunicipal Agreement between the Town of Lancaster and the Village of Lancaster dated September 23, 2002, Pursuant to Article 5-G of the General Municipal Law of the State of New York.

**Financial Services—Merger of Building Inspections' Offices between Town and Village of Lancaster.**  
Legal Foundation: Municipal Cooperative Agreement by and between the Town of Lancaster and the Village of Lancaster dated March 19, 2001, Pursuant to Article 5-G of the General Municipal Law of the State of New York.

**Financial Services— Merger of Assessing Services between Village of Lancaster and Town of Lancaster.**  
Legal Foundation: Pursuant to Section 1402 (3) of the Real Property Tax Law and Local Law No. 5-1989 of the

Village of Lancaster adopted by the Village Board of Trustees October 30, 1989.

Financial Services—Assessing Services between Village of Depew and Towns of Lancaster and Cheektowaga.  
Legal Foundation: Agreement for Assessing Services by and between the Town of Lancaster, Town of Cheektowaga and Village of Depew dated May 6, 1996, Pursuant to Article 119-o of Article G of the General Municipal Law and Section 1402 (2) of the Real Property Tax Law.

Parks and Recreation—Summer Youth Recreation Program, Town and Village of Lancaster.  
Legal Foundation: Agreement dated July 7, 2006, by and between the Town of Lancaster and the Village of Lancaster and Resolution of the Town Board of the Town of Lancaster dated July 17, 2006.

Public Safety—Dog Control Services, Town of Lancaster with Villages of Depew and Lancaster.  
Legal Foundation: Agreement dated October 22, 2003, Pursuant to Article 5-G of the General Municipal Law of the State of New York and Article 7 of the Agriculture and Markets Law of the State of New York by and between the Town of Lancaster and the Village of Lancaster; Agreement dated May 18, 2004, Pursuant to Article 5-G of the General Municipal Law of the State of New York and Article 7 of the Agriculture and Markets Law of the State of New York by and between the Town of Lancaster and the Village of Depew.

Public Safety—Police Services, Municipal Cooperative Agreement between the Town of Lancaster and Village of Lancaster consolidating the municipalities' Police Departments.  
Legal Foundation: Agreement dated February 11, 2003, Pursuant to Section 119-o of the General Municipal Law of the State of New York, by and between the Village of Lancaster and the Town of Lancaster for the consolidation of their separate police departments into one Town Police Department.

Public Works—Central Avenue Streetscape Revitalization Project, Town of Lancaster and Village of Lancaster.  
Legal Foundation: General Municipal Cooperative Agreement dated March 3, 2003, Pursuant to Article 5-G of the General Municipal Law of the State of New York, by and between the Village of Lancaster and the Town of Lancaster.

Health/Human Services—Participation in Youth Court Program between Village of Depew and Town of Lancaster.  
Legal Foundation: Agreement dated August 12, 2002 by and between the Village of Depew and Town of Lancaster and Resolution of the Town Board of the Town of Lancaster dated August 5, 2002.

3. What were the arguments raised, both pro and con, in discussing the issue? Specifically look for policy, legal, fiscal, collective bargaining, political and emotional issues. Also, were there differences in organizational culture at play?

Consolidation of Police Services between Village of Lancaster and the Town of Lancaster, March 2003  
The “pro” consolidation arguments include the following considerations:

Legal: Full consolidation of police departments between municipalities in New York State is lawful pursuant to the General Municipal Law of the State of New York *either* under the provisions of Article 5-G *or* Article 6, Section 121-a. Article 5-G of the General Municipal Law of the State of New York allows local municipalities, through joint effort, to provide services to their constituents. Once an agreement to provide the joint service is reached, it must be approved through a majority vote of the governing boards of the respective municipalities. (The provisions of Article 6, Section 121-a of the General Municipal Law of the State of New York are used only if voter approval is desired). (1978 Op. State Comp. No. 78-696, unreported)

Fiscal: Since 1970, the Village of Lancaster's tax base has been steadily shrinking, while its police budget increases; during this period the Town of Lancaster's tax base is expanding, as has its police budget. One consolidated police department would provide substantial cost savings to taxpayers of both municipalities. According to 2001 OPS estimates, the budget of a combined Lancaster Police Department would save taxpayers between \$750,000 and \$775,000 annually. (Note: This figure is based on reductions in personnel, namely 10 sworn officers and two civilians).

Policy: Crime rates in both the Town of Lancaster and the Village of Lancaster are lower than most reporting jurisdictions in Erie County. In 1998 (latest data available from DCJS at the time of the OPS analysis) the Town of Lancaster ranked 18<sup>th</sup> and the Village of Lancaster ranked 19<sup>th</sup> out of 24 reporting jurisdictions in Erie County.

The combined workload of the Town of Lancaster and the Village of Lancaster Police Departments indicate a need for 39 sworn officers to adequately police both the Town and the Village. (There were 49 sworn officers at the time of the OPS analysis, with a combined staff of 10 desk/dispatchers, which OPS recommended be

reduced to eight if the departments consolidated).

A consolidated Lancaster Police Department would eliminate legal constraints associated with overlapping municipal boundaries, allowing patrols to be used more efficiently by realigning patrol areas and is manageable from a geographic standpoint (only 2.65 square miles of area in the Village of Lancaster).

The quality of police services in a combined Lancaster Police Department would be enhanced by more efficient use of resources, increased collaboration among officers and strengthened communication capabilities.

Collective bargaining: A consolidated Lancaster Police Department would provide its personnel with more opportunities for professional development and specialized training, as well as promotions and advancement. This also is an important policy argument if funding was not available in the smaller police unit for training to keep sworn officers current in their knowledge of available tools or tactics, or changes in the law.

Organizational culture: The vacancy created in the Town of Lancaster Police Department, with the retirement of Chief Thomas Fowler, whose management style was not popular, coupled with an experienced and well-regarded Chief in the Village of Lancaster Police Department, Chief Gary F. Stoldt, who could lead the unified Lancaster Police Department.

The “con” police consolidation arguments include the following considerations:

Emotional/community culture: Loss of identity and control for the Village of Lancaster residents and political leaders and dilution of the relationship between the law enforcement officers and the community they serve. Personalized and proactive services, such as premises checks for commercial and residential units, performed by Village of Lancaster police officers may not be provided by a consolidated Lancaster Police Department.

Policy: Consolidated services are not proven to be more effective than the existing service delivery systems and may initially cost taxpayers more in terms of retirement enhancements and staff reductions.

Collective bargaining: Although consolidation is provided for by New York State law, there are two bargaining units involved and issues such as reductions in staff, parity of the benefits must be addressed.

4. Did the local news organizations (print, broadcast) take a position editorially? If so what was the position; and if not, why not?

Local print media, namely the Buffalo News and its editorial board, take strong positions and support the consolidation of police services between Village of Lancaster and the Town of Lancaster. A Buffalo News' editorial referred to the consolidation as, “a testimonial to union and municipal leadership,” and further describe the efforts of the Town and Village governments as “...an example that should serve as template for other municipalities on how to get rid of duplicity in delivering police services.”

The Buffalo News' position on this issue is consistent with the positions that it has taken with respect to the proposal to merge the City of Buffalo's Police Department with the Erie County Sheriff's Department, as well as the proposed consolidation of the Village of Depew's Police Department with the Towns of Cheektowaga and Lancaster.

A series of Buffalo News' articles regarding the Village and Town of Lancaster police department consolidation include the following:

- Levy, M., Buffalo News, *Lancaster Officials Look at Merging Town, Village Police Departments*, February 17, 2000
- Pasciak, M., Buffalo News, *Lancaster Merges Police Forces*, November 24, 2001
- Pignataro, T.J., Buffalo News, *Costs of Proposed Police Merger Raise Concerns*, July 9, 2002
- Editorial, Buffalo News, *Merger in Lancaster; Police Consolidation is a Testimonial to Union and Municipal Leadership*, December 9, 2002
- Pasciak, M., Buffalo News, *Suburbs Split on Issue of Wider Police Merger*, December 28, 2002
- Cervantes, N., Buffalo News, *Mayor Expects Police Merger in Next Decade*, February 19, 2004
- McNeil, H., Buffalo News, *Village Police Say They are in the Dark About Merger Study*, August 5, 2005

- McNeil, H., Buffalo News, *Giambra Pressing for Police Merger Talk; Depew Force Would Join Lancaster, Cheektowaga*, January 30, 2006

**\*\*\*SEE COPIES OF THE FOREGOING ARTICLES, ATTACHED HERETO**

### 3. The Proposal to Address the Issue

This case study will profile the experience of two municipalities in Erie County—the Village of Lancaster and the Town of Lancaster—and how they created a single, unified police department in 2003.

As a backdrop to the 2003 consolidation of these two police departments is the history and community culture of Lancaster, a residential bedroom community located approximately 11 miles from Buffalo, New York. The Village of Lancaster and the Town of Lancaster have a long history of working together to provide police services to the residents of their nearly 42 square miles of land. In addition to the long-term working relationships between and among their respective municipal leaders, administrative staffs and governing boards, the members of the Village and Town of Lancaster Police Departments have known and worked together for years in a variety of capacities. The two departments historically render mutual aid during emergencies, back each other on calls and respond as the primary unit when the other department's officers are out of service/on other calls and provide ancillary or special services. Such special services include the Town of Lancaster Police Department's administering the Drug Abuse Resistance Education (DARE) program for Village elementary and junior high schools, as well as offering the services of its School Resource Officer and the Emergency Response Team when needed in the Village.

This functional cooperative involving mutual aid exchanges of personnel, services, and/or equipment offered residents of the Town and Village of Lancaster high quality police services. However, from approximately the mid-to-late 1970's through the 1990's, it was becoming increasingly difficult for the Village of Lancaster to maintain its police department in the face of both declining population and tax base and increasing personnel costs.

Thus, in 1992 then-Village of Lancaster Mayor, Arthur Posluszny, led an effort to abolish the Village's police department and consolidate police services with the Town of Lancaster. This effort was by all accounts a failure but it did pave the way for the successful formal consolidation early in 2003 since the leaders of the latter effort learned from the mistakes of this previous attempt.

The 1992 effort failed primarily because, as those interviewed for this case study related, "they did it backwards." The proponents tried to simply abolish the Village of Lancaster Police Department and then address the "details" (e.g., personnel and collective bargaining issues, community culture and identity concerns, etc.). Also the leadership style and the process' tone set by then-Village Mayor Posluszny were labeled by many as the "death knells" for the project; Posluszny approached the proposal from a "top-down" management style. He failed to reach out to the unions and address their issues early in the process, he didn't appreciate residents' concerns, he did not communicate well, nor did he make an effort to educate residents' on the proposal's merits.

So why did the Lancaster police consolidation work in 2003? Based on discussions with case study interviewees, a review of the records, documents and other information available, the success of the proposal to consolidate police functions between these two municipalities in 2003 can be attributed to four key factors:

- The timing was right. The Town's Chief of Police planned to retire and the Village of Lancaster Police Chief who would assume command of the unified police force was popular among officers and civilian staff of *both* the Village and Town Police Departments. It would have been a very different and perhaps an unsuccessful experience if the parties had had to determine whom to displace for the position of Chief of Police of a united Lancaster Police Department;
- The leaders of the municipalities involved, namely Lancaster Town Supervisor Robert Giza and Village Mayor William Cansdale, enjoyed a productive and longstanding working relationship and were each committed to making the proposal work;
- The proponents of the 2003 consolidation learned well the lessons of the 1992 failed attempt. They made sure the concerns of *all* the interested parties, including the collective bargaining units representing each of the two police departments, taxpayers and residents) were brought to the table and consensus reached on those issues *first*. Once there was a meeting of the minds on the feasibility, service, financing and personnel issues, the municipal leaders then set in legal motion the formal mechanisms to accomplish the transfer of police services from the Village to the Town; and
- There was financial support and assistance from the County of Erie. The County contributed the sum of approximately \$700,000 to the Police Fund, which was the established mechanism to provide revenues for the Lancaster Police Department. The County's financial assistance represented compensation to the Village of Lancaster for costs associated with the transfer of police functions to the Town of Lancaster. As both Lancaster Town Supervisor Robert Giza and Village Mayor William

Cansdale have publicly stated, the support from the County of Erie was a critical factor for the completion of the consolidation of police services.

1. Describe the specific proposal(s): The proposal was to fully consolidate the Town of Lancaster and Village of Lancaster Police Departments into one agency pursuant to Section 119-o of the General Municipal Law of the State of New York. This consolidation was to be accomplished by transferring the functions of the Village of Lancaster Police Department to the Town of Lancaster Police Department. To provide revenues for the Town of Lancaster Police Department upon the consolidation, a Police Fund was to be established. The final step in the process would consist of the action of the Village of Lancaster Board of Trustees, namely to adopt a resolution to approve the enactment of a local law to abolish the Village of Lancaster Police Department.

- a. Was the proposal adopted? The proposal was adopted by the Town Board of the Town of Lancaster and the Village Board of the Village of Lancaster and the formal Agreement between the municipalities by executed on February 11, 2003.
- b. Was it modified or amended prior to adoption? If yes, how was it changed? NA
- c. If the proposal was rejected, explain the reasons why. NA
- d. How was the proposal to be funded? The parties' agreement created a special revenue fund or "Police Fund" for the benefit service area (namely the entire Town of Lancaster, excluding the Village of Depew) and the Town of Lancaster assumed full responsibility for the administration of the same.

The revenue for the Police Fund comes from the following sources:

Dedicated Funding Sources:

- Payment by the Village Lancaster to the Town of Lancaster all its sale tax received from the County of Erie, New York after April 1, 2003 until and including March 1, 2033. Further, the Village agreed to pay to the Police fund upon the execution of the Agreement the amount of \$690,165 for the period from April 1, 2003 through December 31, 2003.
- The Village of Lancaster further agreed to pay to the Police Fund upon the execution of the Agreement the total of \$990,711, representing the disparity between the two police departments in: accumulated leave time, the value of sick leave bank and the amount reflecting the Village of Lancaster's liability for retirees' health insurance (as per the Schedule of accumulated leave time available to Village police officers as of February 4, 2003, as annexed to the parties' Agreement).
- The Town of Lancaster upon execution of the Agreement paid to the Police Fund the amount of \$2,187,441 for the period of April 1, 2003 and including December 31, 2003. The Town also agreed to pay the Police Fund the amount of \$139,495 representing its obligation for the funding of the sick leave bank for Town officers.
- The Town of Lancaster also agreed to allocate to the Police Fund the amount of \$738,747 representing a portion of the estimated Town sales tax revenue for the period of April 1, 2003 through and including December 31, 2003.
- The Town of Lancaster further agreed to allocate escalating portions of its sales tax revenues to the police fund, commencing with 47% of its sales tax revenues in calendar year 2004 and rising by four percent (4%) each year thereafter until the percentage of sales tax revenues shall be 100% of the Town's sales tax revenues (as set forth in Attachment B to the parties' Agreement).
- Property tax revenues received from Town of Lancaster property owners, excluding the Village of Depew.

The Village and the Town also negotiated with the County of Erie for a one-time payment of \$700,000 as and for compensation to the Village of Lancaster for costs associated with the transfer of its police functions to the Town.

- e. Who was responsible for its implementation? The Town of Lancaster assumed all responsibility for implementation and administration of the newly consolidated police department and the police fund, subject to the specific terms of the parties' February 11, 2003 Agreement.

2. Describe who was in favor of the proposal and why.

Those in favor of the proposal to consolidate police services between the Village and Town of Lancaster included:

- The Village of Lancaster Mayor and its Board of Trustees who supported the consolidation due chiefly to political and fiscal realities in the Village, namely a stagnant tax base and the rising costs of delivering the quality police services that residents and taxpayers expected from the Village government.
- Sworn police officers and civilian employees in the Village of Lancaster Police Department supported the consolidation primarily because they believed that it would not adversely affect the quality of police services and would benefit them directly. Direct benefits to Village employees included more favorable terms in the Town Police Department's collective bargaining agreements, lucrative sell-backs and retirement incentives, more opportunities for advancement and promotions, etc. For example, all Village employees retained their seniority and rank upon the merger with the Town of Lancaster Police Department; the former Village civilian dispatchers or "police clerks" (who were not union employees) became, upon the merger, "public safety dispatchers" and enjoyed the same benefits of union membership as Town dispatchers; a popular and well-liked Police Chief, Gary Stoldt, would be heading the unified police force, replacing an outgoing Chief of Police, whose management style was not favored by either police department's employees.
- The County Executive of Erie County who created an incentive for the merger by contributing approximately \$700,000 to cover the Village's personnel transition costs for officers' accumulated vacation and unused sick leave. In return for this financial support County Executive Joel Giambra hoped to leverage this consolidation as a significant "win" on his regionalism agenda and as a template for other potential mergers of municipal service in Erie County. This consolidation represented a huge victory for Giambra and regionalism advocates across Western New York since it involved police departments, a high-profile municipal service area, with multiple parochial constituencies, as contrasted by the typical "low hanging fruit" services like water and sewer which were easier to "sell" from a regional perspective.
- Taxpayers and residents in the Village of Lancaster who supported the argument that one police department, properly staffed, could provide a level of service that met or exceeded that formerly provided by the Village of Lancaster Police Department.

3. Describe who was opposed to the proposal and why.

Those opposed to the proposal to consolidate police services between the Village and Town of Lancaster included:

- Sworn police officers and civilian public safety dispatchers in the Town of Lancaster Police Department who opposed the merger primarily because they did not see it as a benefit to either the Town of Lancaster or themselves. Personally and professionally there was resentment towards the incoming Village employees. Village civilian dispatchers or "police clerks" became, upon the merger, "public safety dispatchers" and enjoyed all the benefits of union membership without having to "earn" it as Town civilian employees had. Town police officers also bristled at being "bumped" in seniority by the addition of village officers and the village officers' being automatically upgraded to the benefits in the Town's more favorable collective bargaining agreement.
- Taxpayers and residents in the Village of Lancaster who feared the loss of service and personal attention that they were receiving by virtue of the village maintaining its own police department.
- Taxpayers and residents in the Town of Lancaster who saw no benefit to the Town, but rather perceived the merger as a "bailout" of the Village of Lancaster or a one-sided deal which could adversely affect the Town in the future.

4. Summarize the policy, legal, fiscal, collective bargaining, political and emotional results expected from adoption of the proposal. Were changes expected in organizational culture?

The consolidation of police services between the Village and Town of Lancaster was to yield many positive results, including the following:



**Fiscal/Policy:** One consolidated police department would provide substantial cost savings to taxpayers of both municipalities and a more efficient delivery of high quality police services. The united Lancaster Police Department is serving residents of the service area, defined as the Town of Lancaster, excluding the Village of Depew, quite well. This is measured by anecdotal evidence, e.g. lack of residents' complaints to the Police Department and Town Board, since there has been no independent analysis on the issue of whether the anticipated cost savings have been realized.

The municipal leaders and others interviewed for this case study report that personnel costs are actually *higher* in the Lancaster Police Department and are not projected to significantly decrease in the near future. Chiefly these higher costs are attributed to the fact the reductions in personnel, as recommended by OPS, have not yet occurred, former Village sworn officers' and civilians' pay and benefits packages were upgraded to that of the Towns' upon transfer, costs associated with training new hires, and the reluctance of Town leaders to authorize any decreases in the number of patrol cars on the road due to commitments made to citizens prior to the merger.

It is important to note the cost savings estimated in 2001 by OPS, namely that the budget of a combined Lancaster Police Department would save taxpayers between \$750,000 and \$775,000 annually, was based on a combined police force of 39 sworn officers. The current size of the combined Lancaster Police Department consists of 46 sworn officers.

Another issue that affects the efficient operation of the Lancaster Police Department is the fact that its personnel are currently spread over two buildings. At the time of the proposed merger, it was anticipated that the Town would house the Lancaster Police Department in a new building that the Town had purchased for that purpose located on Walden Avenue in Lancaster. However, costs to renovate that building have proved prohibitive and with the need to accommodate transferring Village personnel, the Lancaster Police Department remains physically divided (with 40 officers at the Pavement Road facility and six detectives at the Walden Avenue facility). This situation has a negative impact on department morale by hindering communication and working relationships, which ultimately has the potential to affect the quality of police services delivered to residents.

**Legal:** The consolidation of the Town and Village of Lancaster Police Departments was accomplished in an efficient and orderly fashion in accordance with the applicable provisions of the General Municipal Law and Civil Service Law of the State of New York. While various issues have arisen since the formal consolidation was completed (See the discussion herein at Number 4. "What Was Actually Done" for the types of legal issues the parties have dealt with post-consolidation) these issues have not risen to the level of formal legal actions or challenges to the 2003 Agreement. To their credit, the parties' involved are monitoring these issues and appear confident that they will be able to continue to work together to resolve them for the benefit of the respective municipalities and taxpayers without resorting to litigation.

**Community Culture:** The intent of the consolidation was to create a unified Lancaster Police Department, to preserve the safety and security of the community and to offer all residents the quality and level of services they enjoyed pre-merger. For the most part this has been the case. Interviewees' shared anecdotal evidence of Village residents' complaints for a brief period immediately following the transfer of services from the Village to the Town. Residents reported not "seeing the patrol cars" on the road, as patrols were being realigned to provide coverage for the entire service area. Apparently this period of increased call volume was a short-lived; residents soon realized that the quality of police service had not suffered by virtue of the formal consolidation of police services. One change in the Lancaster Police Department has been the elimination of the approximately 19,930 premises checks that the Village of Lancaster Police Department performed on an annual basis. These service units had been reported to OPS as actual complaint numbers and consisted of Village police officers checking all commercial (and select residential) premises on each of three work-shifts as requested by proprietors/residents.

**Collective bargaining:** It was anticipated that a consolidated Lancaster Police Department would provide its personnel with more opportunities for professional development and specialized training, as well as promotions and advancement. Enhanced opportunities for promotion have been realized as there are six new lieutenants post consolidation, the unified Lancaster Police Department currently maintains a SWAT team, a full-time School Resource Officer and the Detectives Bureau has double from 3 to 6 members, allowing the officers to enhance their investigative and proactive policing services.

5. Describe what steps were taken, and what agreements were reached, to be able to measure results of enacting the proposal against the expectations.

It doesn't appear that any formal assessment mechanism was established at the time of the consolidation

proposal to review the outcomes of the consolidation of police functions and/or measure results against the parties' expectations. Although a number of those interviewed expressed a desire to see such an analysis undertaken, no one was aware of the existence of such an assessment to date.

Some interviewed for this case study candidly related that there was no template or "map" for what they were doing. The feeling among the parties was that they were charting relatively unexplored municipal territory, with formal police department mergers or consolidations still rare occurrences, and that creating an assessment mechanism, was not part on their agenda. In hindsight, perhaps this was a naïve assumption, but the parties had been through an unsuccessful attempt to consolidate police services in the past and were quite anxious to accomplish the proposal.

Also, as many interviewed correctly noted, there are many considerations involved in the decision of whether to consolidate police departments. Financial or cost-savings was not the sole issue that the parties valued in the Lancaster case. A stronger unified police department that offers more specialized investigative and community support services to better fight crime and serve residents is an equally important "big picture" lens through which to view the Lancaster Police Department consolidation experience.

There was speculation by some interviewed that Erie County may be interested in pursuing an assessment of results of the Lancaster police consolidation in view of the County Executive's interest in pursuing additional mergers of police services, most notably by and between the Towns of Lancaster and Cheektowaga and the Village of Depew, as well as between the City of Buffalo and the Erie County Sheriff's Department. Based on discussions with municipal leaders and County officials, it appears that Erie County has neither conducted, nor commissioned a full-scale assessment of the consolidation of police services in the Village and Town of Lancaster.

However, the County in/about 2005-2006 did a "very quick" cursory "spreadsheet analysis" to determine what cost savings the Village and Town of Lancaster have experienced since the police consolidation. The methodology for this rough analysis essentially was to project what the costs for each municipality would be had the consolidation not taken place, with each municipality continuing providing its own police department. Based on this calculation Erie County officials determined that annual savings to residents amounted to approximately \$250,000., or about one-third of the cost savings projected by the DCJS OPS in May 2001, pre-consolidation. Apparently Town of Lancaster officials "concurred" with this analysis, and Village of Lancaster leaders, "did not disagree."

#### **4. What Was Actually Done**

1. Describe if the proposal(s) was adopted, modified (how) and then adopted, or rejected.

The proposal to transfer police functions from the Village of Lancaster to the Town of Lancaster and consolidate police services was adopted by the Town Board of the Town of Lancaster on February 10, 2003 and by the Village Board of Trustees of the Village of Lancaster on February 11<sup>th</sup> 2003. The formal Agreement between the municipalities was executed on February 11, 2003 and the Village of Lancaster Board of Trustees abolished the Village Police Department by Resolution (approving the enactment of Local Law 1 for the year 2003 to abolish the Village of Lancaster Police Department) on February 11<sup>th</sup> 2003.

To date there have been no written modifications or amendments to the parties' February 11, 2003 Agreement. However, the municipalities have engaged in a number of post-consolidation verbal agreements concerning certain provisions of the February 11, 2003 Agreement. These verbal agreements concern issues pertaining to the administration of the Police Fund, which the parties' established to provide revenues for the police department following the consolidation.

- One such issue concerns a lump-sum payment in the amount of \$990,711 which the Village of Lancaster was to pay to the Police Fund on or before October 31, 2003, pursuant to paragraph 13 (c) of the parties' 2003 Agreement. (This lump-sum payment provision represented the parties' attempt to equalize their positions relative to certain transitions costs of the consolidation, e.g., costs associated with the disparity in the relationship of the respective accumulated leave time and retiree health insurance coverage liabilities of each department relative to its 2002 taxable assessed valuation, and the value of the number of days in the former Village Sick Leave Bank for Village police officers). Apparently at some point after the Agreement was executed and the consolidation of police departments was completed, the Village learned that this obligation was not bondable and the Village thus could not make the full payment by the date specified. Thereafter the parties' made a verbal agreement that the Village would make this payment to the Police Fund in five (5) equal annual installments, with the first payment due on October 31, 2003, and the final payment due on October 31, 2007, at an interest rate of 3%. While the Village has apparently dutifully made each annual one-fifth

installment payment of principal to date, the Village has not paid any interest on the \$990,711 obligation. Although the Village has allegedly raise some mitigating factors, namely the Village's direct payments to two police officers who retired within a week of the consolidation and certain issues regarding the Town's charges for certain retiree health insurance coverage costs, this issue has yet to be resolved.

- Also, pursuant to paragraph 13 (a) of the parties' February 11, 2003 Agreement the Village of Lancaster is to make "payments to the Police Fund of all its sale tax received from the County of Erie, New York after April 1, 2003 until and including March 1, 2033." Additionally, the parties' Agreement specified that, "the Village shall take all necessary action to provide for the payment of its sales tax for the period of this Agreement directly to the Town." To date the Town of Lancaster does not receive the checks *directly* from the County of Erie, but from the Village of Lancaster and each check bears the notation "Paid Under Protest."
- Also relative to the payments of the sales tax revenue, some in the Village have raised the issue of whether the Agreement's sale tax provisions represent the "sale tax" rate in effect at the time the Agreement was executed, or the present rate of sale tax in Erie County. This issue is relevant in that there have been two increases in the Erie County portion of New York State sales tax since the parties' consolidation Agreement was executed. The first was effective July 1, 2005 when the Erie County sales tax increased from 4% to 4.25% and the second took effect on January 15, 2006 when the local sale tax rate in Erie County increased from 4.25% to 4.75%
- These issues have yet to be resolved to the satisfaction of the parties. Although no formal legal actions have been commenced on these issues to date, the parties will have to continue to work together to assure that these, as well as any other issues that may arise in the future, can be resolved informally for the benefit of the municipalities and the taxpayers.

2. Obtain copies, and describe any local resolutions, contracts, shared service agreements, memoranda and any other legal actions that may have been taken. (List these documents on Appendix B – List of Legal Documents)

(See attached documents, as listed on Appendix B)

3. Provide an analysis of how the proposal's implementation results stacked up against the expectations. If the proposal has not been in operation long enough to determine outcomes, provide the set of expectations and the progress to date in meeting the expectations.

It doesn't appear that any formal assessment mechanism was established at the time of the proposed consolidation Agreement to review the outcomes of the merger and/or measure results against the expectations. To date neither the Village nor the Town of Lancaster has undertaken any formal analysis of the results of the consolidation of their police departments.

In fairness to the parties, perhaps an internal assessment conducted by those intimately connected to the proposal is not the best manner to evaluate the results of the consolidation of police functions. Also the lack of a formal assessment mechanism does not imply that there has been a dearth of activity by the parties post-consolidation. For example, the municipalities continue to work together cooperatively to address post-consolidation administrative, fiscal, personnel and facilities issues and anecdotal evidence suggests that this process has served them well.

Perhaps an assessment of the police consolidation experience in Lancaster should more properly be conducted an independent, objective entity to yield a thorough, apolitical and balanced review of the key issues, including, but not limited to, the service, fiscal, policy, legal and other results of the transfer of police functions from the Village to the Town. Some questions or issues that are ripe for such an analysis may include:

- Are current staffing levels in the patrol division adequate to handle the law enforcement workload in the service area?
- Are current staffing levels in the criminal investigation division adequate to handle the law enforcement workload in the service area?

- Are current staffing levels in the administrative division adequate to handle the law enforcement workload in the service area?
- Are the police services being delivered to residents by the unified Lancaster Police Department of a higher quality in than were the services delivered to residents by the formerly separate police departments?
- Have the total costs associated with the consolidated police force been determined?
- Is the cost of police services lower for residents of the area served by the unified Lancaster Police Department (namely the Town of Lancaster, excluding the Village of Depew) than was the cost of services delivered to residents by the formerly separate police departments of the Village and Town?
- Have reductions in personnel through normal attrition yielded the cost saving figures anticipated by the New York State Division of Criminal Justice Services (DCJS) Office of Public Safety (OPS) review in May 2001?
- What is the status of the proposed new Lancaster public safety/courts building project?

4. Meet with one or more of the municipal attorneys involved in the drafting of documents described in #2 above to develop the legal "checklist" for this type of case.

A legal checklist for the consolidation of police services between and among municipalities in New York State should include the following considerations:

- Ascertain precisely what the municipalities want or need to accomplish;
- Define a mutual agreement to accomplish the parties' objectives;
- Early in the process consult with legal counsel for all municipal parties involved, as well as their respective collective bargaining units, to get their input and perspective;
- Establish relationships and build trust among all the affected parties;
- Get residents on board and keep them informed via public information sessions, presentations, etc.;
- Get the respective municipal governing boards "on board" early in the process. Have each affected governing board pass a resolution in support of the proposal so they can't come back at the eleventh hour and raise basic "why are we doing this?" kinds of questions;
- Assess whether the parties' intend to accomplish a formal or structural consolidation of police departments or whether they want to consolidate a limited service function (e.g., central communication or 911 emergency dispatch services);
- Determine the appropriate legal authority for the proposed action;
- Consult with municipal attorneys to determine the legal means by which to effectuate the proposed action (e.g., review relevant sections of the General Municipal Law of the State of New York to determine if voter approval is necessary or desired);
- Get the New York State Division of Criminal Justice Services (DCJS) Office of Public Safety (OPS) involved as soon as the proposal is formulated to determine feasibility, costs, etc. The municipality's State representatives in the New York State legislature can be especially helpful in making the connections with DCJS and getting timely assistance;
- Consider implications of municipal personnel who will be affected by the proposed action (e.g., consult pertinent provisions of the Civil Service Law of the State of New York);
- Consider the implications of Public Employees Relations Board (PERB) rulings (including, but not limited to, the implications of the Public Employees Fair Employment Act, a/k/a the Taylor Law with regard to consolidation efforts);
- Determine specific needs, concerns of the respective parties and assure that the final Agreement

addresses the same, including, but not limited to, how the proposed action will be funded, need for additional facilities, equipment, etc.;

- Provide procedures or mechanisms that allow for periodic review of the terms and conditions of the parties' Agreement including its duration or extension as well as for the resolution of any future issues or disputes;
- The Agreement should be in writing, duly executed by the parties with all the formalities observed;
- Assure that each municipal governing board takes the proper and necessary actions to authorize the parties' Agreement;
- Assure that all parties receive duly executed counterparts of the Agreement together with any/all Attachments annexed thereto and incorporated by reference therein;

## 5. Summarize the Lessons Learned

1. Identify and discuss what the factors were that contributed to the ultimate success or failure of the project. Of particular importance are any impediments that were identified, and how they were overcome.

The factors that contributed to the success of the 2003 consolidation of the police departments in the Village and Town of Lancaster include the following:

The excellent rapport and long-standing working relationships between and among the respective police department personnel.

- Most members of the Village and Town of Lancaster Police Departments had known and worked together for years in a variety of capacities, including mutual aid, backing each other on calls and responding as the primary unit when the other department's officers are out of service/responding to other calls and providing ancillary services such as the Town's providing the Drug Abuse Resistance Education (DARE) program to elementary and junior high school students in the Village.

A vacancy in the position of Chief of Police in the Town of Lancaster and the reputation of the incoming Village of Lancaster Police Chief Gary Stoldt, who would lead the unified Lancaster Police Department.

- Apparently the management style of the Town of Lancaster's Police Chief, Thomas E. Fowler was not a popular one and the officers of the Town police force were anxious for a change in leadership. By all accounts incoming Police Chief Gary Stoldt offered the members of both police departments the opportunity to work with someone who could forge a new direction for a united Lancaster Police Department and who was open to officers' input and assistance during the transitional phase post-merger.

The relationship between Town of Lancaster Supervisor Robert Giza and Village of Lancaster Mayor William Cansdale, and their approach toward accomplishing the consolidation of police services.

- There was a previous attempt to merge the Village and Town of Lancaster Police Departments in 1992, when both the Village and Town had other leaders in the positions of Mayor and Supervisor, respectively. The leaders in 1992 apparently did a poor job of educating residents about the advantages of the potential consolidation; maintained poor relationships with the respective collective bargaining units; set an adversarial tone early on and fail to involve affected parties in initial discussions. Essentially the initial attempt to consolidate the Village and Town police departments failed because municipal leadership sought to abolish the Village police department first and then work out the details.
- In contrast, the successful 2003 merger effort lead by Village Mayor Cansdale and Town Supervisor Giza took into account all of the various emotional, community culture, policy and fiscal factors and set a cooperative tone from the outset. Cansdale and Giza invited union representatives to the table at the outset, educated residents about the process and addressed their concerns and dealt with the fiscal issues prior to officially acting to dissolve the Village of Lancaster police department.

Financial incentives offered by the County of Erie to assist with the costs associated with completion of the

consolidation.

- The Village and Town negotiated with the County Executive of Erie County for a one-time payment in the amount of approximately \$700,000 as and for compensation to the Village of Lancaster for costs associated with the transfer of its police functions to the Town of Lancaster.
- The payment by the County of Erie represented the cost to the Village of Lancaster of equalizing the retirement benefits of village officers with those that town officers received. Town of Lancaster police officers had an enhanced retirement benefits package with the New York State Police and Firemen's Retirement System, as compared to that of the village officers at the time the consolidation was completed. The payment from the County of Erie assured that the Village would have to absorb these additional personnel costs and was definitely an incentive for the parties to pursue the consolidation.

2. Discuss the expectations for results. How long until measurable results would be achieved?

Results expected from the consolidation of police services between the Village and Town of Lancaster:

One consolidated police department would operate more efficiently and provide substantial cost savings to taxpayers.

- Based on the New York State Division of Criminal Justice Services (DCJS) Office of Public Safety (OPS) review in May 2001, consolidation of the two police departments could save taxpayers between \$730,000 and \$750,000 annually. The OPS analysis and projected cost savings were clearly based on a total combined staff of 39 sworn officers and eight desk/dispatch personnel. The current Lancaster Police Department has 46 sworn officers and 15 dispatch/clerical personnel. The staff reductions anticipated at the time of the OPS study have not yet occurred and no timeline has been supplied by the Town of Lancaster determine when measurable results on the issue of cost savings can be expected.
- At the time of the proposed merger, it was anticipated that the Town would house the Lancaster Police Department in a new building that the Town had purchased for that purpose located on Walden Avenue in Lancaster. However, to date that building has not been renovated to accommodate the entire Lancaster Police Department. Thus Lancaster Police Department personnel are physically divided with 40 sworn officers at the Pavement Road facility and six detectives currently housed in the Walden Avenue facility. This situation appears to have a negative impact on morale of the members of the department by hindering their communication and working relationships, which has to potential to affect the quality of police services delivered to residents. Apparently the Town of Lancaster has not established a timetable for the construction of the new police/public safety building.

A unified Lancaster Police Department will preserve and protect the community and provide residents with an enhanced level and quality of services.

- For the most part this has been the case. With the exception of a brief period following the merger when Village residents noted they weren't "seeing the patrol cars" on the road, as patrols were realigned to provide coverage for the entire service area, these calls quickly ended when residents realized that the quality of police service had not suffered.
- One change in the Lancaster Police Department has been the elimination of the approximately 19,930 premises checks that the Village of Lancaster Police Department performed on an annual basis. These service units had been reported to OPS as actual complaint numbers and consisted of Village police officers checking all commercial (and select residential) premises on each of three work-shifts as requested by proprietors/residents.

Personnel of a consolidated Lancaster Police Department will have more opportunities for professional development and specialized training, as well as promotions and advancement.

- Enhanced opportunities for promotion have been realized as there are six new lieutenants post merger and the unified Lancaster Police Department currently maintains a SWAT team, a full-time School Resource Officer and the Detectives Bureau has double from 3 to 6 members, allowing the officers to enhance their investigative and proactive policing services.

3. Identify what specific forms of technical assistance were provided, or where technical assistance could have been helpful but was not available.

- New York State Division of Criminal Justice Services (DCJS) Office of Public Safety (OPS), Administrative Studies Program, Bureau for Municipal Police— In July 2000, the Office of Public Safety of the DCJS was engaged by Town of Lancaster Police Chief Thomas Fowler and Village of Lancaster Police Chief Gary Stoldt to determine the feasibility of consolidating police services in the Village and Town of Lancaster. The OPS analysis concerning the feasibility of a consolidation was based on its assessment of the police staffing needs of the area (Village and Town of Lancaster).
- Center for Governmental Research (CGR) Inc.—In 2001, CGR was engaged by the Buffalo Niagara Partnership to conduct an assessment of the cost or fiscal impact of a consolidated police department in the Village and Town of Lancaster. It is important to note that CGR's analysis did *not* include an assessment of whether the proposed consolidation of police departments was feasible, nor did CGR's report examine level of service issues (e.g., how many sworn officers and civilian personnel are needed to deliver police services to residents in the Village and Town of Lancaster).

4. Any helpful hints for others considering such a project?

- Get all interested and/or affected parties involved in the project as early in the process as possible;
- Value and cultivate the relationships between and among the affected parties (don't underestimate the power of any group of affected parties, for e.g., the collective bargaining units representing affected municipal personnel to make or break the proposal's chances for success);
- Establish a proposed timeline, with target dates and deadlines and review/amend the same as often as circumstances dictate throughout the process;
- Municipal leaders' must establish the proper tone from the proposal's inception—cooperative, not adversarial;
- Keep the lines of communication open with and among all parties, being especially sensitive to the needs and rights of the municipal residents and taxpayers;
- Keep media entities and outlets informed about the project as it evolves, but don't let their agenda control the process;
- Clearly establish the proposal and goals;
- Consider all the proposed actions implication at the outset (e.g., fiscal, policy, collective bargaining, community culture, identity, etc.);
- Keep apprised of current policy developments and actions at the County and State level (there may be available resources to help accomplish the municipal project's goals);
- Consult with municipal attorneys and other experts (DCJS OPS staff, civil service, PERB representatives, etc.) as often as necessary to be clear on legal authority to accomplish the project;
- Sponsor public information sessions, presentations, etc., to keep taxpayers and residents informed and engaged and have attorneys, others on hand, as needed, to answer frequently asked questions, and to keep the parties' focused on the timeline and next steps in the process.

5. How did the process followed in this project stack up against the "Ten Step Program For Shared Service Arrangements" Appendix C?"

The process observed for the 2003 consolidation of the Village of Lancaster and Town of Lancaster police departments stacks up nearly point-for-point against the majority of the steps identified in the attached "Ten Step" checklist.

- The issue was clearly identified by the parties and involvement of all those potentially affected by the proposed action (including police department officers and civilian personnel, residents, collective bargaining unit representatives) were brought into the process in its early stages.
- The municipalities identified potential partners, including the Town of Cheektowaga, the Village of Depew and County of Erie and asked for assistance from experts, as needed. The police chiefs in the Village and Town of Lancaster requested that the New York State Division of Criminal Justice Services (DCJS) Office of Public Safety (OPS) determine: if a consolidation was feasible; to outline the financial impacts of a consolidation; and to recommend the optimal means to accomplish the desired result.

- Appropriate legal advice was sought and received from municipal attorneys at each necessary stage to assure that the process was conducted in accordance with New York State law. In the Lancaster case, attorneys helped to guide the parties, provided advice and memorandum on implementation protocol, timelines for completing the consolidation proposal, as well as preparing and supervising the execution of formal legal documents (e.g. the Consolidation Agreement, Resolutions, etc.). The attorneys representing the various parties, the Town and Village of Lancaster, the respective Police Departments' benevolent associations were also on hand to assist municipal leaders with public presentations and meetings to educate and inform residents on the proposal and process timeline for implementation.
- Plan for the needed services, determine costs and collaborate with other governmental agencies, unions, businesses, local organizations.
- Negotiate and prepare the Agreement, identify all the necessary terms and conditions and memorialize the same in written form.
- Regarding the evaluation phase it doesn't appear that the parties have acted as aggressively to objectively assess the fiscal or service impacts of the consolidated police department on the residents of the two municipalities. While the municipal leaders meet regularly with members of the Lancaster Police Department, there are outstanding personnel issues, especially with respect to patrol units and overtime costs, and the matter of the construction of a new public safety/courts building remains to be resolved.
- Additionally, while all of those interviewed for this case study indicated a desire to see an objective analysis of the current delivery of police services in the unified Lancaster Police Department, no formal evaluation reports have been conducted by or at the behest of the municipalities involved to ensure that expectations are being met and goals realized.

6. Provide any additional comments, materials or observations relevant to the case.

Contrary to the conventional wisdom that police services are perhaps the *least likely* of all municipal services to be successfully delivered jointly by municipal governments, consolidations of municipal police departments do occur as this case study demonstrates.

Municipalities across New York State can learn and benefit from studying the Lancaster Police Department experience. The consolidated Lancaster Police Department case study is comprised of many stories, each with valuable lessons for municipal government leaders faced with significant fiscal challenges in the 21<sup>st</sup> century and willing to explore options to deliver services to their residents.

The most significant lessons that municipal government leaders can learn from the Lancaster police consolidation experience include: the importance of cultivating relationships and the power of personalities in facilitating successful municipal service consolidations; the importance of striving for a "bottom-up" as opposed to a "top-down" management approach to accomplish a municipal police services consolidation proposal; and how to recognize and seize opportunities or how to gauge when the timing is ripe to bring municipal collaborative ventures and shared services to a successful conclusion.

While the financial and other support provided to the Village and Town of Lancaster by the County or Erie was key to the successful completion of the proposal to consolidate police services, it was the quality and strength of personal relationships (e.g., the relationships between the municipal leaders, members of the respective municipal governing boards, and members of the Village and Town of Lancaster Police Departments) that guided the process and were the determining factors of this proposal's success. As nearly every person interviewed for this case study noted, there were two strong and well-respected municipal leaders, namely Lancaster Town Supervisor Bob Giza and Village of Lancaster Mayor Bill Cansdale, "who wanted to make it work." Or as another interviewee put it, "(i)t all comes down to the working relationships of those involved. If there's trust and good communication, the likelihood of success rises."

**6. Provide a Contact Person for Follow-up (at both the lead municipality and the academic institution)**



**Municipal Contact:**

Robert H. Giza, Supervisor  
Town of Lancaster  
21 Central Avenue  
Lancaster, NY 14086  
Telephone: 716.683-1610  
Fax: 716.683-0512

**Academic Institution Contact:**

Karen A. DePalma, Esq.  
Project Manager  
University at Buffalo  
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**NYS Department of State**  
**Albany Law School/Government Law Center**  
**Shared Municipal Services Technical Assistance Project**  
**Case Study Template**  
**Appendix A – List of Contacts**

**Contact Information**

Please include all the following information for the municipal and project contacts.

<b><u>Name and Title</u></b>	<b><u>Mailing Address</u></b>	<b><u>Phone and Fax</u></b>	<b><u>Email</u></b>
Robert H. Giza Supervisor	Town of Lancaster 21 Central Avenue Lancaster, NY 14086	716.683-1610	
Johanna M. Coleman Clerk	Town of Lancaster (same as above)	716. 683-9028	
David Brown Director of Administration & Finance	Town of Lancaster (same as above)	716. 683-1610	
Richard Sherwood, Esq., Attorney	Town of Lancaster		
William G. Cansdale Mayor	Village of Lancaster 5423 Broadway Lancaster, NY 14086	716. 684-4891	
Tammy Derkovitz Clerk	Village of Lancaster (same as above)	716. 683-2105	
Arthur A. Herdzyk, Esq., Attorney	Village of Lancaster Chelus, Herdzyk, Speyer, Monte & Pajak, P.C. 438 Main Street, Suite 1000, Buffalo NY 14202	716.852-3600	
Joseph G. McIntosh Mayor	Village of Depew 85 Manitou Depew, NY 14043	716. 683-1400	
Bob Kucewicz Clerk	Village of Depew (same as above)	716. 681-4396	
Gary F. Stoldt Chief of Police	Lancaster Police Dept. 525 Pavement Road Lancaster, NY 14086	716.683-2800	
Karen Freund Senior Clerk	Lancaster Police Dept. (same as above)	716.683-2800	
Joseph J. Formato Officer & President	Lancaster Police/PBA (same as above)	716.683-2800	
Lt. Jerry Gill Detective	Lancaster Police Department (same as above)		
Paul Weiss, Esq., Attorney	Village of Lancaster PBA Bartlo, Hettler & Weiss 22 Victoria Boulevard, Kenmore, NY 14217-2314	716. 875-8664, Ext. 215	



**NYS Department of State**  
**Albany Law School/Government Law Center**  
**Shared Municipal Services Technical Assistance Project**  
**Case Study Template**  
**Appendix B – List of Legal Documents**

**Document List**

Please list all documents that are relevant to the Case Study.

1. Resolution of the Town Board of the Town of Lancaster dated August 5, 2002 and the Intermunicipal Agreement for **Joint Archival Facility between the Town of Lancaster and the Village of Lancaster** dated September 23, 2002, Pursuant to Article 5-G of the General Municipal Law of the State of New York;
2. Municipal Cooperative Agreement by and between the **Town of Lancaster and the Village of Lancaster for Merger of Building Inspections' Offices**, dated March 19, 2001, Pursuant to Article 5-G of the General Municipal Law of the State of New York;
3. **Assessing Services** Local Law No. 5-1989 of the Village of Lancaster adopted by the Village Board of Trustees October 30, 1989;
4. **Agreement for Assessing Services by and between the Town of Lancaster, Town of Cheektowaga and Village of Depew** dated May 6, 1996, Pursuant to Article 119-o of Article G of the General Municipal Law and Section 1402 (2) of the Real Property Tax Law;
5. Agreement dated July 7, 2006, by and between the **Town of Lancaster and the Village of Lancaster for Summer Youth Recreation Program** and Resolution of the Town Board of the Town of Lancaster dated July 17, 2006;
6. Agreement dated October 22, 2003, Pursuant to Article 5-G of the General Municipal Law of the State of New York and Article 7 of the Agriculture and Markets Law of the State of New York by and between the **Town of Lancaster and the Village of Lancaster for Dog Control Services**;
7. Agreement dated May 18, 2004, Pursuant to Article 5-G of the General Municipal Law of the State of New York and Article 7 of the Agriculture and Markets Law of the State of New York by and between the **Town of Lancaster and the Village of Depew for Dog Control Services**;
8. Agreement dated February 11, 2003, Pursuant to Section 119-o of the General Municipal Law of the State of New York, by and between the **Village of Lancaster and the Town of Lancaster for the consolidation of their separate police departments into one Town Police Department** and the creation of the police fund, together with Attachments; Resolutions of the respective municipal governing boards, Town Board of the Town of Lancaster dated February 10, 2003 and Board of Trustees of the Village of Lancaster dated February 11, 2003, authorizing respective municipal leaders to execute the Intermunicipal Cooperative Agreement for the transfer of police functions from the Village of Lancaster to the Town of Lancaster.
9. General Municipal Cooperative Agreement dated March 3, 2003, Pursuant to Article 5-G of the General Municipal Law of the State of New York, by and between the **Village of Lancaster and the Town of Lancaster for Central Avenue Streetscape Revitalization Project**; and
10. Agreement dated August 12, 2002 by and between the **Village of Depew and Town of Lancaster for Youth Court Program** and Resolution of the Town Board of the Town of Lancaster dated August 5, 2002.

## THE TEN STEP PROGRAM FOR SHARED SERVICE ARRANGEMENTS

1. Define problem and affected parties

Focus on the problem to be solved, working with experts, constituents and others with knowledge who can help devise options

2. Identify solutions and potential partners

Create options that can help solve the problem  
Identify the potential partners who can help solve the problem

3. List and allocate financial impacts

Determine cost  
Determine tax and debt limitations  
Identify methods for financing, including potential federal/state aid  
Assess impact on tax rate

4. Confirm legal authority

Check state statutes, including General Municipal Law articles 5-G and 14-G, as well as Town, Village, County and other related laws, and seek legislative authority if necessary  
Adopt appropriate local authority

5. Plan the project

Document the need for services, determine costs and financing, prepare impact statements for constituents and on other services, develop plan for implementation and assessment

6. Collaborate with affected parties

Discuss plans with constituents, non profits, businesses, local organizations such as Chamber of Commerce, other governmental agencies, unions  
Agree on roles of affected parties and how to assess impact, effectiveness and success

7. Negotiate the Agreement

Identify necessary terms to be included  
Identify facilitator to assist negotiations  
Finalize terms

8. Prepare Agreement

Whether written or oral, formal or informal, an agreement specifying the terms of agreement should be memorialized in some manner, especially regarding parties, nature of agreement, level of service, limits on service,

charges/financing arrangements, organizational control and responsibilities, reporting, personnel matters, duration, termination, amendment, evaluation, continuation

9. Implement the Agreement

Initiate the programmatic elements of the project  
Communicate as warranted with the town constituents  
Document all aspects of the project for transparency and assessment

10. Evaluate the Project

Examine the implementation to ensure proper function using objective factors  
Convene regular meetings to assess and share information  
Prepare formal evaluation reports to ensure goals and processes satisfied