

NEW YORK STATE AND LOCAL GOVERNMENT: A SNAPSHOT

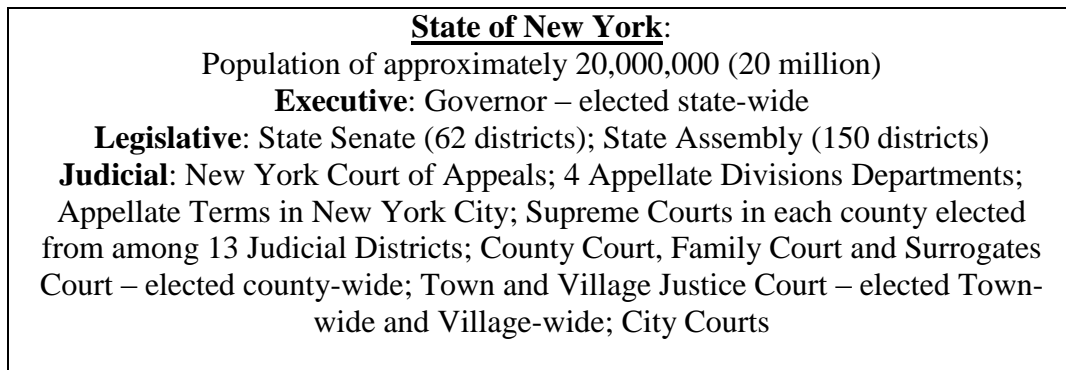
[PLEASE NOTE: This information is offered as an educational tool for those interested and was written solely and entirely by me (Tim Tuttle) for that purpose. It is meant to provide residents of New York and specifically those of **Dutchess County** and the **Town of Fishkill** with a *brief* summary of New York's, Dutchess's and Fishkill's political structure. It is not an official publication from the State of New York or any other governmental entity.]

INTRODUCTION

While campaigning for a seat on the Fishkill Town Board, it became clear to me that New York State's political structure is a source of much confusion, and that this confusion contributes to some state residents not voting in local elections (of note, **I discuss the Village of Fishkill and the Town of Fishkill in some detail about ¾ of the way down**). I'm also probably not the only person who at some point in their life passed a sign stating the year of some city's or village's incorporation (City of XYZ, incorporated 1867) and wondered exactly what that meant; it means the year the municipality was officially created, because they are technically municipal "corporations". For that reason, I sought to provide as brief a summary of New York State's political structure as I could manage, while providing the most important details and touching on what I have perceived as the most common sources of confusion: Hamlets, post office designations/ mailing addresses and school districts. In the interests of full disclosure, I found this topic interesting enough to take a course called State and Local Government in law school, and it was amongst the most informative and illuminating courses of my educational career, providing me with a number of those "Oh, now I see" moments that we all have from time to time.

More than anything else, my hope is that through various sets of circumstances increasing numbers of NYS and local residents will somehow journey to this page, find it helpful in clarifying the confusing issues surrounding state and local governments, and decide to vote in their local elections, wherever they may live in NYS. **The more people participate in the process, the more effective and responsive the process becomes.**

At the outset, I provide a self-made map (of sorts) to NYS's political hierarchy below for simplicity and ease of reference. Each level is then discussed below the chart for those who wish to press on.



Counties:

62 in NYS

- County Executive – elected county-wide
- County Legislature, elected from districts established by each county
- County Court and Supreme Court
- Sheriff, County Clerk and District Attorney also elected county-wide
- **Dutchess County:** approximately 300,000 residents; 25 legislative districts serving approximately 12,000 residents each



Towns:

932 in NYS

- don't cross County lines
- Town Supervisor elected Town-wide; Town Board elected either Town-wide (at-large) or by "Ward" system; Town Clerk, Town Justices and Town Highway Superintendent also elected Town-wide
- **example: Town of Fishkill;** population of approximately 21,000

Cities:

62 in NYS

Mayor elected City-wide; City Council elected either City-wide or by Ward system or by combination of the two; also has City Court judges as well as a City Manager, who is appointed by the Mayor



Villages:

553 in NYS

Mayor and Board of Trustees elected village-wide; also has Village Justices (usually one appointed and one elected) and other appointed positions

- **example: Village of Fishkill** (existing entirely within the Town of Fishkill) - population of approximately 2,100

***Hamlets:**

Not incorporated areas; number is unknown

- no governmental body or entity

NEW YORK STATE (NYS)

New York, obviously, is one of the 50 United States. It is the third most populated, with approximately 20,000,000 (20 million) residents. For comparison and perspective, the United States has approximately 315,000,000 (315 million) residents, with California (38,000,000) as the most populated. For additional perspective, there are roughly 6.5 billion people on planet Earth, with China and India having more than 1 billion residents each.

New York has the same 3-branch structure as the United States federal government, as dictated by the Constitution: Executive, Legislative and Judicial. The head of the Executive is the Governor, elected by all residents of the State at-large. The legislative body consists of the NYS Senate and the Assembly (House). The **one-man/one-vote principal dictates that every person's vote carry the same weight**, which requires that each State Senate district have approximately the same population as all other Senate districts, and that each State Assembly district have roughly the same population.

There are **62 Senatorial districts** in the State, with each Senator serving approximately **325,000 residents**. There are **150 Assembly seats**, with each serving approximately **135,000 residents**. These State Senate and Assembly districts cross Village, City, Town and County lines to achieve the equal representation required by the one-man/one-vote principle. Visit the New York State Senate and Assembly websites for information regarding the specific area of each Senate and Assembly district as well as to find out who your Senator and Assembly member is.

NEW YORK STATE HAS FOUR (4) TIERS OF POLITICAL SUBDIVISIONS, ALL OF WHICH HAVE ELECTED OFFICIALS: COUNTY, TOWN, CITY AND VILLAGE; these are outlined in the diagram above. In addition, there are a number of other "Special Districts", such as school and fire districts, which are beyond the scope of this endeavor. **It is important to note that each of these subdivisions levies taxes from its residents**, so for each one of these levels of government that you live within you pay another level of taxes. While it is impossible to live within both a Village and a City, it is possible for one to be subject to all of 5 levels of taxation: Federal, State, County, Town and Village.

NEW YORK CITY *exception*: Prior to discussing any of these subdivisions, it should be noted that the **City of New York** is an anomaly as far as political structure is concerned. NYC is a "City" within the State of New York, and therefore has a Mayor elected City-wide as well as a City Council, but is comprised of five (5) New York *State* "counties" that are also New York *City* "Boroughs"; so unlike the other 61 cities, it is not located inside of one county. In NYC there are no County Executives and no County Legislators, due to each "county" inside of New York City consisting of the same geographic area as its corresponding Borough. Each Borough is represented by an elected Borough President on the City Council.

Regarding each "county" covering the same geographic area as a NYC Borough, the breakdown in NYC is as follows: The Borough of Manhattan covers the same geographic area as New York County; the Borough of the Bronx is the same as Bronx County; the Borough of Staten Island is the same as Richmond County; the Borough of Brooklyn is the same as Kings

County; and the Borough of Queens is the same as Queens County. Again, because these counties/boroughs exist within the City of New York, their “county” name is essentially meaningless, aside from being used for designation purposes by the court system.

COUNTIES

There are 62 counties in the State (5 of them being inside of NYC), the majority of which operate according to the New York State County Law (a statute enacted by the State Senate and Assembly and signed into law by the then-Governor). I have yet to meet anyone who can name all of them; if you can, I applaud you. Each County has an elected County Executive, who is essentially the Chief Executive Officer, and a number of elected County Legislators (the number of legislators varies by County). In general, counties provide law enforcement (police/sheriff), educational (such as community colleges), social and health services (such as Medicaid), but this obviously an underinclusive list.

For **Dutchess** residents: The population of **Dutchess County** is approximately 300,000 and there are 25 Legislators, with each serving approximately 12,000 residents.

The County Executive is elected by a county-wide vote, meaning that every person in the particular county chooses from amongst the same candidates. The County Legislators are elected only by the people who live in their particular legislative district. As noted above, there are 25 such districts in **Dutchess County**, and those who live in Legislative District 1 will vote for a different County Legislator than those who live in the other Districts. The easiest way to find out how your county is broken up into county legislative districts is to visit your county’s Board of Elections, which will have maps available and will also be able to tell you which district you are in based upon your address. For Dutchess residents, the website is <http://dutchesselections.com/> and the maps can be found on the left side of the page.

Of note, the **Sheriff** is the County’s chief law enforcement officer and is elected County-wide, as is the **County Clerk** (in charge of county records as well as some motor vehicle functions) and the **District Attorney** (prosecuting crimes that take place within the County). Again, these are simplistic descriptions.

In addition, it should be noted that each county has at least one **County Court Judge, Family Court Judge and Surrogates Court Judge**, who are also elected county-wide and generally serve 10 year terms. A discussion of the New York court system is also beyond the scope of this endeavor, but I attempted to give a short summary at the end. In general, County Courts oversee serious (felony) criminal matters that occur within the County and some civil cases, but there are many exceptions to this rule and they are quite common. Family Court judges, basically, oversee any legal matter involving a child, and Surrogates Court judges oversee probate matters – involving the distribution of a deceased person’s estate and arguments over the interpretation of their will. Again, this is a simplistic version for purposes of brevity. In some counties, these 3 courts are served by 3 or 6 different judges; while in others, such as Putnam, the County, Family and Surrogates Court judges are the same two people, each sitting on all 3 courts.

The most important thing to understand here, for purposes of voting, is that County, Family and Surrogates Court judges are not elected by the same group of voters as Supreme Court judges and do not serve the same purposes. Again, County, Family and Surrogates Court judges are elected county-wide by the voters of the particular county. This is not the case with Supreme Court “justices”. Solely for purposes of an example, the New York State Unified Court System is broken into 13 Judicial Districts, one of which is the 9th District governing Westchester, Putnam, **Dutchess**, Orange and Rockland Counties. All Supreme Court judges sitting in any of these 5 counties were elected district-wide, meaning that all residents of the 9th district (which includes those 5 counties) voted from amongst the same group of candidates. The elected “Justices” of the Supreme Court are then assigned by the Administrative Judge of the district to sit in a particular county.

TOWNS

As noted above, there are 932 Towns in the State of New York, and all operate according to New York State Town Law (again, statute passed by the State Senate and Assembly and signed into law by the then-Governor). While Cities (only 1) and Villages can cross county lines, **all Towns are entirely contained within a County** because Towns are their primary subdivision. Interestingly, **every resident of the State of New York who does not live in a City or on an Indian Reservation must live in a Town.**

Each Town has a **Supervisor** elected Town-wide and a **Town Board**, as well as a **Highway Superintendent** and a **Town Clerk**, which carry out the functions of the Town’s government. In general, these functions include record keeping, road maintenance, utilities such as water and sewer, and trash pickup, amongst other things, but there are variations as to which services each Town provides. In most cases, the Town, through its **Planning Board**, also serves as the decision-maker regarding commercial and residential development, including shopping plazas, condominiums, townhouses and hotels, amongst other things. These decisions are generally dictated by the Town’s **zoning laws**, which govern what type of development can take place in various areas of the Town, but “variances” to these laws can be granted on a case-by-case basis.

Towns also have elected **Town Justices**, usually two, who oversee some civil and criminal matters (usually traffic violations) that occur within the Town. For the most part, these courts enforce the Town Code, govern speeding tickets that were given within the Town, and entertain small civil matters. There is a complex body of law dictating what cases can be entertained by these courts, an area too complex for the purposes of this summary.

In some Towns, such as **Fishkill**, the **Town Board members are elected Town-wide**, meaning that each resident of the Town votes for all Board members. In other Towns, there are Wards, which are smaller areas of the Town from which Board members are elected and each Ward only elects one member (obviously, you have to live within a ward in order to be elected by its residents); each board member in the ward system would represent a different group of Town residents while serving on the Town Board.

Dutchess County has twenty (20) Towns: Amenia, Beekman, Clinton, Dover, East Fishkill, Fishkill, Hyde Park, La Grange, Milan, North East, Pawling, Pine Plains, Pleasant Valley, Poughkeepsie, Red Hook, Rhinebeck, Stanford, Union Vale, Wappinger and Washington. These Towns vary greatly in both geographic size and population, but each of them has an elected Supervisor and a Town Board, as well as a Highway Superintendent and Clerk, overseeing the Town's functions.

CITIES

As also noted above, there are 62 cities in the State of New York and they operate with the most independence (according to their City Charters) because they are not subject to any specific New York State statute like Counties, Towns and Villages are. They are governed by a Mayor who is elected City-wide and a City Council, which is elected City-wide in some cases, by "Ward" in other cases, and in some by a combination of City-wide and Ward elections. The **City of Beacon**, in Dutchess County, for example, is served by a Mayor and 6 Councilpersons, with the Mayor and 2 Councilmembers being elected City-wide and 4 Councilmembers being elected by Ward.

With one exception, Geneva, all cities are inside of one County. Also with one exception, Sherill, cities are completely distinct from Towns. In **Dutchess County**, there are two cities: Poughkeepsie, the County seat, and Beacon. An interesting point is that Beacon is neighbored only by the Hudson River to the west and the **Town of Fishkill**, which almost completely surrounds it.

Cities also have City Courts hearing some civil and criminal matters occurring within the City. Again, this topic is far too detailed to be discussed to any degree here, but suffice it to say that there are statutes governing what kinds of cases can be heard in City Courts.

VILLAGES

Finally, again as noted above, there are 553 Villages in the State of New York and they all operate according to the New York State Village Law (once more, a statute enacted by the State Senate and Assembly and signed into law by the then-Governor). There are 433 Towns which contain one or more Villages, leaving 499 Towns containing no Villages. Most importantly, this is the **smallest level of government that can be created in NYS**; it requires at least 500 residents and can be no more than 5 square miles unless it's coterminous with a fire or school district or a Town.

Villages are governed by a Mayor and a Board of Trustees, all elected Village-wide. Some Villages, such as Fishkill, share a name with the surrounding Town (in other words, the **Village of Fishkill exists within the Town of Fishkill**, but both have separate and independent governmental bodies). As briefly noted above, if you live in the Village of Fishkill you are paying 5 levels of taxes (from smallest to largest): Village of Fishkill, Town of Fishkill, Dutchess County, New York State, federal (United States).

Villages also have **Village Courts**, which oversee minor legal disputes and some criminal matters (generally traffic violations) that occur within the Village. This, again, is a topic for a course on the NYS Court system.

Villages tend to provide some combination of the following services: Fire, Police, water, sewer, trash pickup and road maintenance. They generally have their own Village Code of ordinances, and the topics they cover can be extensive in some cases.

Interestingly, there are a number of Villages that cover the exact same geographic area as a Town: Green Island in Albany County; East Rochester in Monroe County; and Scarsdale, Harrison and Mount Kisco in Westchester County. Some Villages (approximately 70) exist within two Towns and only a small number exist within two counties (only 7); this means that 2 people can live in the same village but pay taxes to different Towns and/or different counties.

Dutchess County has 8 Villages: Fishkill, Millbrook, Millerton, Pawling, Red Hook, Rhinebeck, Tivoli and Wappingers Falls. Again, these Villages vary in geographic size (but none more than 5 square miles, per NYS Village Law) and population, but all are served by the same governmental structure: A Mayor and a Board of Trustees.

Hamlets, mailing addresses and school districts

The Hamlet is likely the source of the most confusion regarding New York State and local government. Keep in mind, again, that *if you live in NYS but don't live in a City or on an Indian Reservation, you must live in a Town*. However, many people have addresses that don't carry the same name as the Town in which they live and send their kids to a school district that doesn't either.

A Hamlet is an unincorporated entity that is used for informal identification purposes only, and has generally been created by its local residents for that purpose. *Hamlets do not have a governmental body* (no Supervisor, Mayor or Executive), *do not levy taxes and do not provide services of any kind*. As an example (1), using **Dutchess County**, the **Hamlet of Hopewell Junction** exists in the **Town of East Fishkill**, and many people call it home, but it does not have any elected officials and has no political boundaries; all people calling Hopewell Junction home live in the Town of East Fishkill. In essence, Hopewell Junction does not exist. This also applies to the popular Stormville designation, which has no governmental entity and is entirely within the Town of East Fishkill as well.

In many cases, the Hamlet name is adopted by the post office for purposes of mailing addresses, which is why someone would respond to the question "where do you live?" by saying "Hopewell Junction" despite the fact that their actual political governing body is the Town of East Fishkill. Interestingly, the East Fishkill Town Hall has a mailing address of Hopewell Junction, which, as noted, is determined by its post office.

Another example (2) of this is in **Putnam County**, where the **Hamlet of Mahopac** is home to many residents. However, Mahopac is not a City, Town or Village and has no governmental body or elected officials; it exists **entirely within the Town of Carmel** and is

served by the Supervisor and Town Board of Carmel, but has its own Mahopac School District that is separate and distinct from Carmel School District. Confusing, I know. And the Carmel Central School District is a perfect example of this confusion: Not only does it serve part of the Town of Carmel (excluding the Hamlet of Mahopac, which has its own noted school district), but also the Town of Kent and parts of the Towns of Patterson and Pawling. The Town of Patterson sends some of its children to Carmel schools and some to Brewster schools, which primarily serve my hometown of Southeast. Pawling also has its own school district, but some of the residents of the Town are served, as noted, by the Carmel School District.

THE TOWN OF FISHKILL AND THE VILLAGE OF FISHKILL

provide perhaps the best examples (3) of this mishmash of governmental entities. As noted above, the Town is served by a Supervisor and a Town Board while the Village is served by a Mayor and a Board of Trustees. However, there are people who live in the political entity that is the Town of Fishkill, but who have a **mailing address of Wappingers Falls or Beacon** (*again, post office determinations*). Making matters worse, some of the residents of the Town of Fishkill who have Wappingers Falls or Beacon mailing addresses (Route 9D area) are served by the **Beacon City School District**. You read that correctly: You can live within the Town of Fishkill, and therefore vote for the Supervisor and Board members, while having a Wappingers Falls or Beacon mailing address and being served by the Beacon School District, for which you can vote for School Board members. Confused? You should be.

Other residents of the Town of Fishkill, including those living in the Village of Fishkill, are served by the **Wappinger Central School District**, which serves the Town of Wappinger (which includes the Village of Wappingers Falls) and parts of the Towns of Fishkill and East Fishkill.

As another example (4) of this, I point to my “hometown” of **Brewster**, in **Putnam County**. My mailing address as a child was Brewster, NY, but this had nothing to do with the fact that I actually lived inside of the only political entity with the name “Brewster” in it, the Village of Brewster. The Village is a very small area, covering only approximately one and a half (1.5) square miles and governing approximately 2,000 residents, and **sits entirely within the Town of Southeast**, with a population of approximately 19,000. However, **the name “Brewster” has been used for additional purposes**. For example, **Brewster Central School District**, as noted above, serves far more than the Village of Brewster; it also serves the Town of Southeast and part of the Town of Patterson (mostly Putnam Lake).

In addition, Brewster is the post office designation for most residents of the Town of Southeast, within which the Village of Brewster exists. In fact, not one person actually has “Southeast” as their mailing address – again, this is a post office determination. So in summary, you can live in the Town of Southeast outside of the tiny **Village of Brewster** (the **only political entity with “Brewster” in the name**), but have a Brewster mailing address and be served by the Brewster Central School District. Adding to this confusion is the fact that all road and highway directional and exit signs use “Brewster” and not “Southeast”.

As my final example (5) of this tremendously confusing crossing pattern of municipalities, I use the **Hamlet of Hicksville** in **Nassau County (Long Island)**, where I lived

while attending Hofstra Law School. Hicksville, as a Hamlet, does not have a governmental body and therefore does not provide any services to those who live within its undefined borders. In fact, all residents of “Hicksville” live within the much larger Town of Oyster Bay and receive their municipal services from the Town. However, there is a Hicksville post office, and many residents therefore have a Hicksville mailing address despite actually living in the governmental entity that is the Town of Oyster Bay. Hicksville also has a school district, providing various elementary and middle schools as well as Hicksville High School. So, in short, despite the fact that Hicksville does not have any elected officials or geographic boundaries and all its residents live in the Town of Oyster Bay, its residents have Hicksville mailing addresses and are served by the Hicksville School District.

There are, of course, many more examples of this crisscrossing pattern of Towns, Cities, Villages, mailing addresses and Hamlets, which would take a lifetime to discuss. I used a number of them (5) above for purposes of clarification, as sometimes seeing multiple examples of a confusing concept makes it easier to understand.

BRIEF NYS COURT SYSTEM BREAKDOWN

The highest court in NYS is the New York Court of Appeals, a 7 judge panel appointed by the Governor and sitting in Albany.

Below the Court of Appeals are the 4 Appellate Divisions: 1st, 2nd, 3rd and 4th Departments. The 1st Department hears appeals from the Bronx and Manhattan; the 2nd Department from Suffolk, Nassau, Queens, Brooklyn, Staten Island, Westchester, Putnam, **Dutchess**, Orange and Rockland. The 3rd Department governs appeals from the northeastern and central part of the state and the 4th Department the western part of the state.

Within each Appellate Division are the various counties, served by County, Family and Surrogates Court judges as well as Supreme Court Justices who are elected district-wide (as an example, the 9th district contains 5 counties: Westchester, Putnam, **Dutchess**, Orange and Rockland). *New York City* is an anomaly here as well, however, as it is not served by County Court judges, its Supreme Court Justices are elected City-wide, and it also has an Appellate Term, which hears appeals from all lower NYC Courts before they can go to the Appellate Division (Appellate Division and Term are different entities, with Terms only existing in NYC).

Below each County, Family, Surrogate and Supreme Court are the various “Justice” Courts that operate in Towns and Villages and the City Courts that only operate in Cities.

Again, this is purposely simplistic.

CONCLUSION

This information is and always will be a work in progress, and is not intended to be the final word on any of the topics or areas mentioned. As I come across any possible mistakes or learn of additional interesting details, I will correct or add them.

Most importantly, it should be understood that most or all of the political subdivisions discussed above cross each others’ boundaries. Each person outside of NYC will live in an area that is governed by a number of geographic and political areas, and those inside NYC are governed by yet another structure. **Your State Senate district is larger and very different**

from your State Assembly District and they are both different from your County boundaries; these are all very different from your County Legislative District, which is also different from your Town's, City's and/or Village's geographic area (if you don't live in NYC).

If you truly want to understand what area is served by each of your many elected officials, the easiest way to do that is to visit the website of each governmental body, find your elected official, and print the map of the area they serve. You can find a map of your State Senate District on the State Senate website, and your State Assembly District on the Assembly website. You can also visit the County Board of Elections for maps of the County Legislative Districts as well as any Town you desire. Again, all of these maps will be different because each political designation covers a different geographic area. Equally as important is to monitor the election calendar, which can be obtained from your county Board of Elections, so that you can participate in the political process.

Because this topic requires so much detail, as you can tell, I could not possibly give it the treatment it deserves unless I endeavored to write a book. That, of course, could not be posted on my website as a "somewhat" brief summary of the topic for the purposes of helping residents understand just how complicated New York State and local government is and determine just who or what they are voting (or not voting) for.

My goal in this endeavor was to provide a way for residents to have a source of clarification regarding what the NYS political structure is and how all the levels relate to each other. If I have not clarified anything, I apologize. I do hope that this has inspired at least some residents who have viewed this information to investigate exactly where they live and who their elected officials are so they will be more likely to vote in local elections. After all, **the governments that have the most effect on our lives are those that are closest to home.**