

TALK OF THE

# towns

**& TOPICS**

JULY/AUGUST 2023



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# Summer Break Brings Reflection

By Executive Director Gerry Geist



With the advent of summer and the farewell to the State Legislative Session for 2023, it feels like an opportune time to reflect on what transpired in Albany this past budget season and to consider what opportunities and challenges lie ahead in the upcoming months.

Most significantly, with your great assistance, we were able to rebuff (for now) the governor's attempt to override local zoning with regard to affordable housing. We must consider that this issue will be brought up again next year, and as an Association advocating on behalf of town governments, we are gearing up for the fight next year. We are working this summer on identifying what other issues and challenges we should be mindful of for 2024. Before the Resolutions Committee meets in December, your Association will have met internally regarding potential issues and also with our lobbyist and advisor the Roffe Group. You can be assured that we will once again next year fight for a long-overdue AIM increase, increases in CHIPS funding and recognition that local government constitutional rights be unaltered by the governor in dealing with issues that directly

impact town issues.

Our training schools and classes, especially in highway, finance have generated increased interest and attendance and we expect more of the same with planning schools in the fall.

Believe it or not, we are already working on our annual conference and training school for February 2024. Please mark the dates in the calendar – February 18-21, 2024. Once again as an added incentive to our members, we will be offering discounted hotel rates for early registrants.

Additionally, we are working hard to ensure that the court clerks and town justices will have programs and training for 2024, and we are also reaching out to state agencies early to secure commitments for speakers and exhibitors to ensure we can offer a full panoply of courses and helpful vendors to all of our attendees next year.

Throughout the remainder of the year, be on the lookout for our webinars and town teas and our legislative updates newsletter helping to provide each of you opportunities to connect with our staff to have your inquiries addressed. □

# 2024 Town Budget Process

One of the primary responsibilities of the town board is to adopt a structurally balanced budget that accurately estimates revenues and expenditures of the town for the coming fiscal year. The following outlines the budget adoption process from the initial stages through its final adoption and beyond. Please note that state law requires some steps be done by a certain date – these statutory deadlines are listed in **bold** (the deadlines for towns in Westchester and Monroe counties are different – these dates are indicated in parentheses).

**Appointing a Budget Officer:** The first step in the budget process is determining who will act as the budget officer. By statute, the town supervisor is the budget officer; however, he or she may appoint any person other than a town board member to serve as the budget officer instead (Town Law §103 [2]).

**Receipt of Tax Cap Reporting Information:** According to the Office of the State Comptroller (OSC), the town supervisor should receive a user identification and PIN number to access the online tax cap reporting form approximately five months prior to the fiscal year. The online form will be used later in the budget process to report to the OSC the information necessary to calculate the tax levy limit. Separate and apart from this, the Department of

Taxation and Finance will make the relevant tax base growth factor used to adjust the town's levy limit available (General Municipal Law §3-c; [www.osc.state.ny.us/localgov/realprop/](http://www.osc.state.ny.us/localgov/realprop/)).

**Development and Submission of Estimates (Town Law § 104):** Department heads must submit estimates of revenues and expenditures for their department for the coming fiscal year to the budget officer no later than **September 20 (October 20)**. If estimates are not submitted by the deadline, the budget officer must prepare them. The budget officer also determines the form and what information estimates should contain. A best practice is for the budget officer to work with the various department heads to develop reasonable estimates. In order to meet deadlines and give department heads enough time to consider and develop their estimates, this process should be started during the summer.

**Calculation of the Tax Levy Limit:** Each town is responsible for calculating its own tax levy limit for the coming fiscal year. While there is no specific point this must be completed, it is recommended to do the calculation early in the budget process. This helps the budget officer develop a tentative budget that requires a tax levy within the allowed limit or gives the town board time to consider and adopt a local law overriding the levy limit (General Municipal Law §3-c; for more information visit [www.osc.state.ny.us/localgov/realprop/](http://www.osc.state.ny.us/localgov/realprop/); and [www.tax.ny.gov/pdf/publications/orpts/capguidelines.pdf](http://www.tax.ny.gov/pdf/publications/orpts/capguidelines.pdf)).

## Commonly Used Terms in Budget Development

*(Source: The New York State Comptroller's Office)*

The following explanations are presented to aid in understanding the terminology generally used in governmental accounting, auditing, financial reporting and budgeting.

**Appropriations** – An allocation or designation of money by the governing board to be spent on a particular type of item. Appropriations are often referred to as expenditure line items in the annual budget.

**Appropriated Fund Balance** – The portion of fund balance estimated to be available that is designated to help finance operations of that fund for the subsequent year.

**Appropriated Reserves** – The portion of amounts reserved for stated purposes estimated to be available and designated to finance specific, authorized budgetary appropriations.

**Estimated Revenues** – All sources of funds estimated to be earned and recognized as revenue during a fiscal year to finance appropriations contained in the annual budget.

**Fiscal Year** – One complete 12-month cycle of financial activity. For towns, most counties, and most cities, the fiscal year coincides with the calendar year, January 1st to December 31st. For most villages, the fiscal year begins June 1st and ends May 31st. For school districts the fiscal year begins July 1st and ends June 30th.

**Tentative/Proposed Budget** – The budget as prepared by the budget officer and initially presented to the governing board.

**Unappropriated Unreserved Fund Balance** – A portion of fund balance that is not reserved or appropriated to finance operations of that fund in the subsequent year.

Town Budget Calendar	
(Dates in parentheses apply to towns in Westchester and Monroe counties)	
1. The budget officer furnishes the heads of administrative units with the prescribed forms	We recommend the estimate forms be furnished to the units no later than September 1st (October 1st).
2. The administrative unit heads submit estimates to the budget officer.	On or before September 20th (October 20th). Budget officer prepares estimate for each administrative unit that fails to submit an estimate. (Town Law Section 104)
3. The budget officer files the tentative budget with the town clerk.	Not later than September 30th (October 30th). (Town Law Section 106)
4. The town clerk presents the tentative budget to town board.	On or before October 5th (November 10th). (Town Law Section 106)
5. The town board makes revisions and prepares the preliminary budget; preliminary budget filed with town clerk.	Prior to public hearing. (Town Law Section 106)
6. Notice of public hearing.	At least five days shall elapse between the date of first publication and the date specified for public hearing. (Town Law Section 108)
7. The public hearing is held	On or before the Thursday immediately following the general election (December 10th). The hearing may be adjourned from day to day but not beyond November 15th (December 15th). (Town Law Section 108)
8. Final revisions to the preliminary budget are made.	After public hearing but prior to adoption. (Town Law Section 109)
9. The budget is adopted by the governing board.	Not later than November 20th (December 20th). (Town Law Section 109)

Preparation of the Tentative Budget (Town Law §106 [2]): After reviewing estimates submitted by department heads and preparing estimates as necessary, the budget officer develops the tentative budget and files it with the town clerk by **September 30 (October 30)**.

Preparation of the Exemption Impact Report (Real Property Tax Law §495): The budget officer must also prepare an exemption impact report in a form provided by the Department of Taxation and Finance. The exemption impact report is annexed to and filed along with the tentative budget by **September 30 (October 30)**; for more information visit [www.tax.ny.gov/research/property/exempt/exemptionreporting.htm](http://www.tax.ny.gov/research/property/exempt/exemptionreporting.htm).

Presentation of the Tentative Budget (Town Law §106 [3]): The town clerk presents the tentative budget to the town board at a regular or special town board meeting held on or before **October 5 (November 10)**.

Town Board Review of the Tentative Budget (Town Law §106 [3]): The town board reviews the tentative budget and may modify it. Changes should be in writing, approved by a majority vote of the town board by resolution and included in the minutes of a town board meeting (Town Law § 63). During its review, the town board may call on department heads and the budget officer to explain their estimates. The tentative budget review may be adjourned and continued at later meetings, but the

town board should be aware of impending deadlines in the budget process and complete its review in a timely manner.

The Preliminary Budget (Town Law §§106 [4]; 107): Once the town board finishes reviewing the tentative budget, it needs to approve it and any modifications made to it. Once approved, the tentative budget becomes the preliminary budget and must be filed with the town clerk. The town clerk must make as many copies available for public distribution as the town board directs. From this point, no changes should be made to the preliminary budget until the town board conducts a public hearing.

Public Hearing on the Preliminary Budget (Town Law §108): The town board must hold a public hearing on the preliminary budget no later than the **Thursday following Election Day – for 2023, this will be Thursday, November 9 (December 10)**. The hearing may be adjourned, but may not be adjourned beyond **November 15 (December 15)**.

Notice of the Public Hearing on the Preliminary Budget (Town Law §108): Notice must be published in the official newspaper and any other paper that the town board directs. In addition, notice should be posted on the town clerk's bulletin board and on the town's website, if practicable. The notice must state the time, place and purpose of the hearing and that copies of the preliminary budget are available for public inspection for anyone interested. The notice must also state the proposed salary of each member of the town board, the supervisor, the elected town clerk and the elected highway superintendent. At least five days must elapse between the first publication of the notice and the date specified for the hearing.

Modification of the Preliminary Budget (Town Law §109): After the public hearing closes, the town board may make modifications to the preliminary budget that are consistent with law. No additional public hearings are required on the changes made to the preliminary budget after the initial public hearing.

Adoption of the Tax Cap Override (General Municipal Law §3-c): If the real property tax levy required under the preliminary budget exceeds the town's allowable tax levy limit, the town needs to adopt a local law overriding the tax cap **before the final budget is adopted**. The local law must be adopted by a 60 percent majority of the town board. For most towns, this will be a simple majority, but for those with seven-member town boards, five members must approve the override.

Report Tax Levy Limit Information to OSC: Towns must submit tax cap information to OSC using the online form and user ID and PIN number that OSC provides to the town supervisor. Note that this form merely reports the necessary data; OSC will not calculate the tax levy limit for the town (General Municipal Law §3-c) (for more information [contact OSC Help Line at 1-866-321-8503 or \(518\) 408-4934 or by Email at LGSAMonitoring@osc.ny.gov](#)).

Adoption of Final Budget (Town Law §109): After the town board finishes reviewing and modifying the preliminary budget, and adopts the tax cap override (if necessary), the preliminary budget should be adopted as the final budget by resolution. The final budget must be adopted no later than **November 20 (December 20)**, and entered in full in the minutes of the town board. If the town board fails to adopt a final budget, the preliminary budget as last amended by the town board becomes the final budget.

Receipt of Fire District Budgets: Fire districts are responsible for developing their own budgets, and the town board has no authority to alter the fire district's budget. Fire districts must file two certified copies of their budget with the town clerk no later than **November 7** (Town Law §181[3][c])\*.

\* Town Clerk Duties Regarding Fire District Budgets

Receive and File Fire District Budget Hearing Notice: The fire district must provide a copy of its published notice to the town clerk(s) of the town(s) in which the district is located (Town Law §181[3][a]).

Post-Notice Hearing on Fire District Budget: The town clerk must post the notice of a fire district budget hearing on the town's web site (provided the town has a web site) and on the town clerk's signboard and bulletin board. Notice must be posted for at least 15 days prior to the hearing but cannot be more than 20 days before the hearing (Town Law §175-c [2]).

Public Inspection of the Proposed Fire District Budget: The town clerk must receive and make available a copy of a proposed fire district budget for public inspection (Town Law §181[3][a]).

Delivery of Budget to County: Once the final budget is adopted, the town clerk must prepare two certified copies of the budget and annex a certified copy of the fire district budget to each copy (Town Law §181[3][c]). **Within five days**, the clerk must deliver the copies of the budget to the supervisor, who must then present them to the county legislative body **within 10 days** of receiving them. The county then

levies the town taxes and other charges in the town budget (such as fire district taxes) at the same time and in the same manner as the county tax (Town Law §115).

Delivery of Tax Roll/Bill Data: Real Property Tax Law §1590 (3) requires each town to submit the data files used to prepare its tax rolls and tax bills to the commissioner of the Department of Tax and Finance within 10 days of the tax warrant being annexed. If no warrant is annexed, the data files must be submitted within 10 days of the last day the law prescribes for levying taxes. If a different governmental entity prepares a town's tax rolls or tax bills, or both, that entity is jointly responsible for submitting the applicable data files to the commissioner.

### **Developing Budgets for Improvement Districts**

The town board (or commissioners of the district, if any) must develop a separate budget for improvement district financed by a **special ad-valorem levy or special assessment**.

Like the town budget, the district budget process begins with an estimate of the anticipated revenues and expenditures for the district. The estimate should be detailed and accurate, and may include up to 10 percent of the total amount necessary to meet the expense of maintaining the district for contingency purposes. Once you have the revenue and the expenditures estimates, subtract the anticipated revenue amount from the anticipated expenditures total, the difference is assessed on property within the district (Town Law §202-a [3]). For districts financed by a **special assessment** (in proportion to the benefit received), the town board (or commissioners) must prepare a special assessment roll that shows the amount of the benefit received by each parcel and the amount assessed against it. The special assessment roll must be filed with the town clerk between the **first and 15th day of September** (Town Law §202-a [3],[4]).

Once the special assessment roll is filed, the town board must have public hearing on it. Notice of the public hearing must be published in a newspaper at least 10, but not more than 20, days prior to the date of the public hearing; except for towns in Westchester County, the roll be adopted at least 30 days before the annual meeting of the board of supervisors at which taxes are levied (Town Law, §202-a(5); §239).

In addition to the notice by publication, the New York Court of Appeals has held that the town must also provide actual notice to those property owners whose names and addresses are known to the town,





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unless there is a compelling reason not to do so (*Garden Homes Woodlands Company v. Town of Dover*, 95 N.Y.2d 516 (2000); 11 Op. Counsel SBRPS No. 15).

After the public hearing on the special assessment roll, the town board may adopt the special assessment roll. The board may also make amendments or changes to the special assessment roll, but cannot adopt the amended special assessment roll until another public hearing has been held on it. In any event, the town board must adopt the special assessment roll at least 30 days prior to the meeting of the county board of supervisors at which taxes are levied (Town Law §202-a [5]).

When the budgets and special assessment rolls are completed, the town supervisor will present them to the county legislative body along with the town’s annual budget (Town Law §115). The county then imposes the ad-valorem levies (by computing the tax rate on the basis of assessed valuation) and the special assessments against the parcels within the districts.

Please note that the Department of Taxation and Finance has advised that the levy for special improvement districts governed by the town board are to be included in the town’s tax levy for purposes of calculating the town’s annual tax levy limit (Dept. Tax and Finance “The Property Tax Cap Guidelines for Implementation - Publication 1000 [10-11]” may be reviewed at their website: <http://www.tax.ny.gov/pdf/publications/orpts/capguidelines.pdf>).

### Calculating the Available Carryover

The law allows towns that levied less than their 2023 tax levy limit to carryover a certain amount into the next fiscal year. If the town met or exceeded its levy limit for 2023, there will be no available carryover to apply to 2024. If the town’s levy for 2023 was below the allowable levy limit, the town will be able to carryover that amount up to 1.5 percent of the allowable levy limit.

To determine the amount of the allowable carryover, multiply the prior year’s levy limit by .015. This will give you the maximum carryover allowed by law (hereinafter the ‘carryover ceiling’). Next, determine the amount by which the actual levy for the prior year was less than the tax levy limit for that year

(hereinafter the ‘unused levy’). If the unused levy is less than or equal to the carryover ceiling, then you can carry over all of the unused levy. If the unused levy exceeds the carryover ceiling, you can carry over an amount up to the carryover ceiling. This provision is best explained by the accompanying table.

In order to isolate the carryover calculation, we are assuming that there is a 2 percent allowable levy growth factor and that no adjustments due to PILOTs, quantity growth or any other exclusion apply.

Although columns 1 and 2 each allow for carryover that can be added to the levy limit for 2024, they are significantly different. In column 1, the town was only \$50,000 under its tax levy limit, and therefore, can carry over only that amount. In column 2, however, the town was under its levy limit by \$200,000, but could only carry forward \$153,000 (1.5 percent of the tax levy limit). The remaining \$47,000 cannot be carried forward to the next year – it is lost forever.

Finally, remember that even if your town adopted an override of the levy limit last year, you may still have available carryover; some towns may have adopted an override for 2023, but ended up with an actual levy below the tax levy limit. □

<b>Calculating Available Carryover</b>			
	<b>(1) Carryover less than 1.5 percent of prior year’s levy limit</b>	<b>(2) Carryover greater than 1.5 percent of prior year’s levy limit</b>	<b>(3) No available carryover</b>
<b>2023 tax levy limit</b>	\$10,200,000	\$10,200,000	\$10,200,000
<b>2023 town tax levy</b>	\$10,150,000	\$10,000,000	\$10,200,000
<b>Amount below tax levy limit</b> (unused levy)	\$50,000	\$200,000	0
<b>2023 levy limit x .015</b> (carryover ceiling)	\$153,000	\$153,000	\$153,000
<b>Allowable carryover for 2024</b> (Lesser of unused levy and carryover ceiling)	\$50,000	\$153,000	0
<b>2024 Levy Limit</b> (2023 town tax levy x 1.02)	\$10,353,000	\$10,200,000	\$10,404,000
<b>2024 allowable levy</b> (2024 levy limit + available carryover for 2024)	\$10,403,000	\$10,353,000	\$10,404,000



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ASSOCIATION OF TOWNS

# Even-Year Elections

# FAQ

A compilation of the most frequently asked questions we are fielding regarding the legislation that proposes to change local town elections from occurring in odd-numbered years to even-numbered years.

## What does A4282B/S3505B do?

Among other things, it changes town elections, except for town justices, from odd-numbered years to even-numbered years to increase voter turnout.

## Is it signed into law yet?

No. It passed both the Assembly and the Senate in the beginning of June, but it has yet to be delivered to or signed by the Governor.

## I'm up for re-election this year, if the law gets signed, what does it mean for this election?

If adopted, the law WILL NOT IMPACT the 2023 elections, and you will serve your full term if elected in 2023.

## Who else is included in the even-year election legislation besides towns?

Various elected county positions, like county legislators.

## How would the switch to even years take place?

As stated, if you are elected in 2023, you will serve your full term. In order to transition to even years, there will also be town elections in 2025 and 2027; however, one year will be taken off the term of office, for one time only. For example, if you have a two-year term of office and are running in 2023, you will serve your full two years. If you choose to run again after completing your term, there will be an election in 2025 but it will be for a one-year term, and you will have to run for re-election in 2026. If you have a four-year term of office and run in 2023, you will serve your full four years, and if you decide to run for re-election, you will run at the 2027 election; however, it will only be for a three-year term. Then, in 2030, the term of office will return to four years.

## Finally, why aren't all local elections / all positions changed to even years?

Some positions, like town justices and county judges, have constitutional provisions that come into play and there would need to be an amendment to the New York State Constitution to switch those elections to even years. A constitutional amendment would also be required for city elections, and therefore they are not included in the legislation. Finally, villages are not included as they have a different election cycle and conduct elections themselves.

**MORE QUESTIONS?**

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## How to Build Your Municipality's Access to Grant Funds

By Lindsey Drew, Environmental Analyst for New York State Department of Environmental Conservation

Right now, New York State has historically high levels of environmental financial support available for municipalities to implement projects at the local level. This is great news for communities across the state and the environment. However, some municipalities struggle to secure grant funds. This article aims to help take the guesswork out of identifying, applying, and managing grant funding by providing strategies to help municipalities access grant funds for their community.

Recently the New York State's Department of Environmental Conservation's (NYSDEC) Division of Water convened a webinar, *Navigating Grant Funding: Municipal Success Stories* for municipal officials and invited successful grant applicants to share their strategies for cracking the code to accessing grant funds.

Each of the speakers have years of experience in the grants arena, accessing federal, state and private funds for municipal projects. They either work directly for a municipality or partner with municipalities to support them in applying and managing grant funds. The webinar speakers included:

- Beth Gilles, Executive Director, Lake Champlain – Lake George Regional Planning Board
- Cassandra Pinkoski, Grants Specialist, Chautauqua County Soil and Water Conservation District
- Donald Tesoriero, Assistant to the Mayor, Village of Northport



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### **All Offices**

#### **Property Tax Cap for 2024 is 2 percent**

Property tax levy growth will be capped at 2 percent for 2024 for local governments that operate on a calendar-based fiscal year, according to data released by State Comptroller Thomas P. DiNapoli. This figure affects tax cap calculations for all counties, towns and fire districts, as well as 44 cities and 13 villages.

In accordance with state law, DiNapoli's office calculated the 2024 inflation factor at 6.26 percent for those local governments with a calendar fiscal year, well above the 2 percent allowable levy increase, and indicative of the higher costs facing these localities. □

#### **Executive Order 30 on Affordable Housing and Towns**

In late July 2023, Gov. Kathy Hochul signed Executive Order 30, available [here](#), creating a new

Pro-Housing Community Program to encourage residential development. Under this new program, if a local government is certified as a "Pro-Housing Community" by the Division of Housing and Community Renewal (HCR), it will receive priority in application for the following discretionary funding programs:

- the Downtown Revitalization Initiative (DRI) administered by the Department of State;
- the NY Forward Program administered by the Department of State;
- the Regional Council Capital Fund Program administered by Empire State Development;
- the New York Main Street Program administered by New York State Homes and Community Renewal;
- any capital grants made pursuant to the

Market New York Program administered by Empire State Development;

- the Long Island Investment Fund (LIIF) administered by Empire State Development;
- the Mid-Hudson Momentum Fund administered by Empire State Development;
- the Public Transportation Modernization Enhancement Program (MEP) administered by the Department of Transportation; and
- any other program where the current or future appropriation for such program designates it as a Pro-Housing Community Program

To be certified as a Pro Housing Community, a municipality must apply to HCR, which will evaluate different factors, such as whether it has streamlined permitting and pro-housing policies, and whether it submitted critical housing and zoning data to the state to help identify challenges to, and track progress on, housing growth, in making its determination. The application and list of factors to be considered should be out in the upcoming weeks. Communities that further meet annual housing growth targets of 1 percent downstate and one-third of a percent upstate will receive top prioritization.

Additionally, Governor Hochul announced a beta version of the Housing Data Dashboard, available [here](#), to track housing development and zoning data. More information on how this will work should be forthcoming. In the meantime, stay tuned to [www.nytowns.org](http://www.nytowns.org) and our social media pages on [Facebook](#) and [LinkedIn](#) for updates. □

### **New York State and Federal Leaders Announce More than \$664 Million in Broadband Funding**

- *Funding Will Be Awarded to New York in 2024-25 to Bring Broadband Infrastructure to Unserved and Underserved Locations Across the State*
- *Empire State Development's ConnectALL Office is Currently Developing Plans for Broadband and Digital Equity Based on Unprecedented Public Input*

Gov. Kathy Hochul, Senator Schumer, Senator Gillibrand and the New York Congressional Delegation recently announced New York State's ConnectALL Office has been allocated more than \$664 million in funding from the federal Broadband

Equity Access and Deployment Program, part of the 2021 Bipartisan Infrastructure Law. The BEAD allocation is the largest single investment in the ConnectALL program and will be used primarily for providing fiber optic infrastructure to locations in New York that currently have no broadband service.

"This transformative investment in New York's ConnectALL program will be a gamechanger in advancing our statewide strategy to make affordable, high-speed internet available to all," Governor Hochul said. "In today's economy, reliable broadband access is an absolute necessity, and I thank the Biden administration, Majority Leader Schumer, Senator Gillibrand, and New York's congressional delegation for continuing to prioritize critical infrastructure needs and for supporting our mission to expand broadband to every corner of our state."

The \$1 billion-plus ConnectALL initiative, announced by Governor Hochul in her January 2022 State of the State Address, is New York State's largest-ever public investment in broadband, aimed at transforming the state's digital infrastructure to connect all New Yorkers to the internet. In addition to funding to reach unserved and underserved locations, ConnectALL includes grant programs to invest in public broadband infrastructure, to upgrade service to affordable and public housing, and to support digital inclusion and education on using the internet.

New York will submit an initial grant distribution proposal to President Biden's National Telecommunication and Information Administration (NTIA). Following approval of the initial proposal, the ConnectALL Office will solicit applications from internet service providers to build new broadband infrastructure in unserved and underserved areas of the state. That package of applications will be included in New York's final proposal to NTIA, after which the state will receive its full BEAD allocation to issue grant awards.

The BEAD allocation follows a \$100 million award from the Treasury Department's Coronavirus Capital Projects Fund announced by the Governor in May and two planning grants totaling over \$7 million announced in December.

The BEAD allocation is based largely on New York's portion of the nation's unserved locations, as reported by the Federal Communications Commission. The



FCC's map originally showed New York had 106,290 unserved locations. In October 2022, Governor Hochul issued a challenge to the FCC's broadband data maps, which revealed more than 31,000 underserved and unserved locations missing from the FCC's data, following a statewide mobilization of regional, county, and local officials and New York's own, first-of-its-kind interactive broadband map. In May, the FCC released updated data including over 140,000 unserved locations in New York and nearly 38,000 locations that have access to the minimal level of internet speeds to qualify as underserved. □

## ***Supervisors & Town Boards; Highways***

### **Which Fund is it Anyway?**

#### *Navigating the Alphabet Soup of Town-wide and Part-town Charges*

When looking to town charges, one has to ensure that the appropriate fund is charged with the cost. Generally speaking, all town charges are imposed on all residents of the town as a town-wide charge – *including village residents* – unless there is a statute that provides otherwise. Town charges that have been carved out by law as town-outside-village charges must only be charged against town property owners that are located outside of any incorporated village boundaries; that is, village residents within the town will not be charged for part-town expenditures. New York's highest court has upheld this taxation structure, asserting that village residents benefit from town services and, accordingly, must be included when allocating town-wide expenditures (see Matter of DuBois v Town Board of New Paltz, 35 NY2d 617 [1974]).

For those towns without villages, it is fairly easy to determine which charges are town-wide, as all of them are – aside from improvement districts. For towns that contain one or more village, it can be difficult to navigate which costs should be charged to the town-wide fund and which costs are town-outside-village charges. This article will provide an overview of the relevant funds\*, as well as a discussion of the appropriate charges to each fund.

\*For purposes of this article, town-wide and part-town funds will be covered.

### **The General Fund (A, Town-wide)**

The general fund – or the A fund – is the town's main operating fund and includes all town charges that are not required to be recorded in another fund. Charges in the general fund are charged against all town residents as a town-wide charge, including village residents. Most charges will fall to the general town-wide fund, except for those explicitly carved out as part-town.

### **The General Fund Town-Outside-Village (B)**

The B fund is also referred to as the part-town fund or town-outside-village fund and is only used by towns that contain villages. B fund charges are for expenditures that are required by statute to be charged on town properties located outside the village boundaries – village taxpayers will not be included in any town-outside-village expenditures.

### **Highway Fund, Town-wide (DA):**

Highway expenditures are governed by Highway Law section 141, and only those expenses listed within Highway Law section 141 may be charged against the highway fund. Towns with and without villages are requirement to maintain a highway fund. For those towns with villages, the DA fund includes those highway charges that are to be charged against all properties in the town, including village properties – the DA fund applies on a town-wide basis. For towns without a village, every charge would be a town-wide DA charge.

### **Highway Fund, Part-town (DB):**

Towns that do not have villages will not have a town-outside-village or part-town highway fund (DB). Towns that contain villages within their borders are required to maintain two highway funds – the DA fund (as previously discussed) and the DB fund, which can only be charged on a part-town basis to any unincorporated areas of the town. That is, village residents are not charged for any part-town or town-outside-village DB highway fund expenditures.

### **Town-wide (A Fund, General Fund) Charges**

As previously discussed, all town charges are to be charged to the general fund on a town-wide basis (A fund) unless there is a provision of law that provides otherwise. While not an exhaustive list, the following expenditures have been explicitly designated as a

general, town-wide charge:

- Traffic control signs, signals and standards (Town Law sections 64 [16], [22]);
- Liability insurance (Town Law section 64 [4]);
- Town public library costs, unless the town and village have entered into an intermunicipal agreement providing otherwise (see Education Law sections 255, 256; Op Dept of Audit and Control 72-918 [1972])
- Town engineer expenses, unless the expenses are incurred on behalf of an improvement district, in which case the expenses would be charged against that district (Town Law section 202-a [7]);
- Town parks established on a town-wide basis, unless there is special state legislation adopted to the contrary (see Town Law sections 220, 232; General Municipal Law sections 240, 245; Bernstein v Feiner, 50 AD3d 212 [2008]);
- Any claims where the action that resulted in the claim is charged to the general /A fund (see Op St Comp 96-15 [1996]);
- Salaries and compensation of town officers and employees (Town Law section 20), aside from those associated with code enforcement and planning and zoning;
- Street lighting for state highways and county roads (Town Law section 64 [19]) and lighting for dangerous portions of highways (Highway Law section 327);
- Town building expenses (Op State Comp 02-15 [2002]);
- Town justice salary and justice court expenses (Op St Comp 80-344 [1980]);
- Administrative costs associated with the highway department;
- Town sidewalk construction and maintenance (unless established as an improvement district);
- Recreation programs, if established on a town-wide basis;
- Refuse and garbage collection (unless established as an improvement district or there is an intermunicipal agreement that provides otherwise) (General Municipal Law section 120-w);
- For towns have a police department, expenses associated therein are a town-wide charge unless the village has established its own department after January 1, 1960 and employs four or more police officers on a full-time basis (Town Law section 150);
- Appropriations for Independence Day, Memorial Day and Veterans Day, as well as rooms for patriotic organizations (Town Law sections 64 [12]; [13]);
- Publicity fund expenditures (Town Law section 64 [14]);
- Forest fire prevention charges (Town Law section 64 [15-a]);
- Band concerts (Town Law section 64 [20]); and
- Town physician costs (Town Law section 64 [21]).\*

\*This is not an exhaustive list – towns will incur other charges that will also be charged on a town-wide basis to the general fund.

#### **Part-town or Town-outside-village (B Fund) Charges**

The following expenditures must be charged on a part-town / town-outside-village basis to the B fund, meaning that village residents will not be charged for the following town expenses:

- Code enforcement and building inspection, including fire prevention programs that are administered by the building inspector or code enforcement officer and judgments that are rendered against the town resulting from conduct of the building inspector (Town Law section 138; Op St Comp 96-15 [1995]);
- Costs associated with planning and zoning, including charges to broadcast meetings of the planning board and zoning board of appeals (Town Law sections 261, 271);
- Vital statistics charges if the town and village constitute separate districts (Public Health Law section 4120);
- Any claims that arise where the activity associated with the claim is a part-town charge (e.g., an Article 78 proceeding that stems from a decision of the zoning board of appeals);
- Costs associated with maintaining the town

highway garage in certain towns in Westchester county only (Highway Law section 142 [4-a]);

- Recreation programs, if established on a part-town basis (see Article 13 of General Municipal Law);
- Town police charges IF the village has its own police department with at least four full-time officers (Town Law section 150);
- Board of health charges (Public Health Law section 304);
- Suburban town improvements (Town Law section 56);
- Joint town-village ventures – parking garages, memorial buildings, public docs, hospitals (see General Municipal Law sections 72-j, 72-b, 120-x and 126-a);
- Fire alarm systems (Town Law section 64 [11-c]);
- Parks that have been established as a part-town park (see Article 13 of General Municipal Law); and
- Certain youth agencies and programs (General Municipal Law section 240).

### Highway Fund, Town-wide (DA) Charges

Highway Law section 141 authorizes four areas of highway expenditures. Of those four, one is required to be charged to DA fund (town-wide), two may be charged to either the DA or DB fund in the discretion of the town board, with the default falling to a town-wide charge, and one must be charged to the part-town / town-outside-village / DB fund. The town-wide / DA fund charges include:

- Bridges: Any costs associated with the repair and construction of bridges five feet or longer must be charged on a **town-wide basis to the DA fund** (Highway Law section 141 [2]);
- Machinery: Any costs associated with the purchase and repair of highway machinery, equipment, tools and implements must be charged on a **town-wide basis to the DA fund**, with the option to exempt villages at the discretion of the board. If the town board opts to exempt villages residents, these costs must be charged to the DB fund (Highway Law section 141 [3]); and
- Snow and Miscellaneous Highway Expenses:

Any charges associated with snow removal, control of brush and weeds and other miscellaneous highway purposes must be charged on a **town-wide basis to the DA fund**, with the option to exempt villages at the discretion of the board. If the town board opts to exempt villages residents, these costs must be charged to the DB fund (Highway Law section 141 [4]).

### Highway – Outside Village (DB) Charges

As previously discussed, only those items specifically referenced in Highway Law may be charged to the highway fund. As it relates to those items, Highway Law section 277 explicitly provides that expenditures for repairs and improvements of highways (Highway Law section 141 [1]) must be allocated on a **part-town basis to the DB fund**. Accordingly, any towns that have villages must charge the costs associated with highway repairs and improvements to the DB fund.

Note that this is not an exhaustive list and that while all possible town charges have not been contemplated, keep in mind that the general rule is that an expenditure must be charged on a town-wide basis to the General (A) fund, unless there is a statute that provides otherwise. If there is no explicit law directing the expense to be charged on part-town basis, it is likely to be a town-wide charge that should be charged against all town residents, including those that live in villages. If you have any questions regarding which fund to charge an expense, please contact Katie Hodgdon, Counsel, at [khodgdon@nytowns.org](mailto:khodgdon@nytowns.org). □

## Town Clerks

### How Technology Can Help Your Municipality Optimize Budget Resources

By Nelet Kok, HeyGov

In today's era of budget constraints and resource optimization, municipalities are continually seeking innovative ways to maximize their efficiency while minimizing expenditures. Embracing technology can be a game-changer in this regard, offering municipalities the opportunity to streamline processes, enhance service delivery and ultimately better serve their communities.

This article explores how technology can be harnessed to stretch the dollar, enabling

municipalities to optimize their budget resources and improve overall efficiency.

### **1. Automating Processes**

Like everyone else, municipalities are constantly faced with working within their budget looking for ways to stretch the bottom line. One way to optimize resources is by embracing technology that can simplify and automate various paper-based processes. By automating processes, municipalities can:

- free up time;
- reduce costs; and
- minimize the risk of errors.

One of the biggest time savers with technology is the ability to automate processes.

For example, a building permit: traditionally, a paper-based form that needs to be signed off by multiple departments in the municipality. It needs addendums to be submitted with the completed form, checked, paid for, and is then in the hands of the building inspector, who approves the permit before it is issued by the municipality.

By automating complex payment forms, like the building permit or a short-term rental application, instead of manually entering data the input can be done once and can be stored in a system. The system can track payments, send reminders, and generate information for the municipality on the number of applicants, busy season etc. This also saves municipalities time and resources from manually processing payments, when a payment form is applied for and paid online.

In addition, streamlining permit and license applications will help municipalities optimize budget resources. Using an online portal for permit applications can simplify the process by allowing applicants to submit applications online, which reduces the printing of forms, waiting in line for forms, and in-person submissions, reducing the workload of staff that can then be allocated to other tasks.

Moreover, facility rentals can also be streamlined by using technology to automate booking of such facilities. This could include online reservation platforms allowing residents to view availability, book space and make payments. This, in turn, will reduce

the cost of a dedicated staff booking agent and is more convenient to the public.

Apart from these routine tasks, another practical example of how technology can optimize budget resources is addressing public issues or concerns. With the use of technology, residents can quickly and easily report issues like potholes, street lighting, or other maintenance problems through an online portal or mobile app. Municipalities can quickly evaluate, prioritize and deploy the correct resources to address these issues, reducing the workload of manual inspection reports and providing a quicker response to residents.

Automating processes through technology can offer great benefits to municipalities with budget and resource constraints. By simplifying and streamlining processes through technology, municipalities can save time, reduce costs, and improve services to residents. Implementing technology can yield significant returns, in the long run, by optimizing budget resources and improving municipal efficiency.

### **2. Enhancing Service Delivery**

As municipalities continue to deal with tricky budgets, it is important to look for ways to optimize resources and provide services to residents, best suited to their needs. The good news is that technology can help municipalities improve their service delivery while also reducing the workload of municipal staff.

Online portals are which can enhance service delivery. By creating payment portals, municipalities can offer residents a more efficient way to conduct business, at their convenience. For instance, paying bills for water or property tax can be simpler with an online payment portal. Residents can securely and easily make payments from the comfort of their own home and reduce the hassle of physical payment options. This can also help reduce the time spent on handling paper checks and processing payments and free up staff for other municipal tasks.

Additionally, when credit card payments are made, the funds deposit in the municipal bank account quicker than it would when depositing a check or cash. This means Clerks and municipal staff have a more precise snapshot of the bank account and daily transactions, at a glance.

In addition to enhancing payments, payment portals can also help residents submit service requests. With

a few clicks, residents can easily report issues such as potholes and graffiti. Municipal staff promptly receive these reports and prioritize them based on severity which can lead to timely responses and quicker fixes. This also creates an efficient system, allowing staff to triage reports as they come in and focus on more complex or urgent issues which require their attention.

Another important feature of online portals is the ability to communicate with local officials. Communication from the municipality to the community is vital: from the simple pleasures like carnivals and park rentals to the more complex: having information readily available creates transparency and builds trust between the municipality and its residents. Open communication channels also mean municipal staff can adapt as they receive feedback and suggestions from residents.

Municipal communication tools can look like:

- A municipal website with updated contact information and office hours
- An events calendar
- Meeting and agenda repository
- Emergency notifications by text or email.

In conclusion, technology play a vital role in improving service delivery and optimizing budget resources for municipalities. Online tools can support the tremendous task that Clerks and municipal staff have: to inform and serve residents. So, when thinking about the way forward, municipalities should seriously consider the role of technology in improving their public services.

### **3. Serving Communities**

The benefits of technology don't end with streamlining processes and enhancing service delivery. In fact, technology can help municipalities better serve their communities by improving community engagement. With the help of technology, municipalities can create innovative ways to reach out to the community, improve access to public information, and make more strategic decisions about service delivery.

Websites are one such tool which can be used for community engagement. An eye-catching, user-friendly website with the latest information on the municipality's offerings and events can keep

residents up-to-date. Information such as local news, public meeting agendas, municipal planning updates can all be easily accessed by the public through such websites. This also reduces the workload of staff dedicated to answering incoming calls and inquiries, freeing them to do other tasks that cannot be automated.

Alongside websites, payment portals can provide an effective platform for municipalities to continuously provide services regardless of office hours, location or holidays. These portals can be particularly useful when they are interactive, allowing residents to access payment records, billing and receipts.

For instance, an online portal can give residents access to their utility bill, simply by typing in their account number. The amount due can be paid, using a credit card and a PDF receipt is sent to the resident. Down the line, the resident can log in to see their payment history and the municipality gains insights into the patterns of the residents.

In addition to facilitating public engagement and discussions, data gathered allows municipalities to analyze different data points, such as community demographics, population growth, patterns in building or usage of the facilities and can make strategic decisions about service delivery. Data helps municipal staff make informed decisions as they are guided by real-time insights.

Overall, technology has revolutionized the way that municipalities interact with their residents. By using websites, online portals, and data analytics to enhance community engagement, municipalities can serve their community more effectively while saving money. With access to more information and effective communication methods, residents can become more involved and proactive in municipal affairs, driving better community engagement and outcomes.

In conclusion, technology can play a critical role in helping municipalities to better serve their communities. Technology offers tremendous benefits for municipalities with budget and resource constraints. There are many ways in which municipalities can use technology to serve their communities like payment portals, streamlined payment forms available online, digital facility rental and reporting issues in the municipality. These, together with communication tools can assist municipalities to work within budgets,

serve residents and optimize their municipality for growth. The upfront investment in technology implementation yields significant returns in the long run.

By embracing technology, municipalities can navigate the challenges of the world and create a community where resources are optimized, services are efficient, and residents thrive. □

## Planning Boards

### Want a More Robust Community? Invest in Walkable Streets

By Melissa Lee

Running a municipality is tough work. After all, no two municipalities are the same — which means there's no universal playbook to consult. Every village, town, and city has unique needs, challenges, and characteristics.

However, there are a handful of projects that have proven to be universally positive, no matter a municipality's size, location, or other traits. Top among those projects: more walkable streets.

Study after study — and example after example — has shown the tremendous benefits of creating a more pedestrian-friendly downtown. From less pollution and healthier residents to a stronger economy ... the perks are numerous.

In 2023 and beyond, as your municipality gears up for new projects and improvements, make walkability high on the list. Below, find four strategies for getting started.

1. **Rally citizens.** Like any municipal project, walkability initiatives require public support. Build consensus the old-fashioned way: by being transparent, communicative, and open minded. Design a planning process that is fully participatory and let community members know when, how, and why to get involved. Hold community engagement sessions, workshops, and focus groups in ways that are accessible to a diversity of community members. Plan for translation and interpretation into commonly spoken languages other than English, hold sessions at different times of day and in locations that are accessible, and plan for in-person and virtual engagement.

Also take time to outline the many benefits of walkability: Walkability can help connect residents to commercial areas and boost the local economy. It can increase land and property values. And it can combat climate change by reducing emissions from cars.

Also, be candid about the tradeoffs that come with creating a more walkable city. While they aren't numerous, they do exist. A 2018 CDC study examined public sentiment around two common trade-offs: slower traffic speeds and denser housing. Have frank conversations with constituents about the impacts of these tradeoffs.

2. **Take a bespoke approach.** Make sure you're approaching walkability in a way that makes sense for your specific municipality. A plan that works for a city of 30,000 may not work for a town of 8,000. First, take stock of what you want residents to walk to: a shopping district? A neighboring town? A train station? Investing in walkability may also entail investing in other things, like a livelier downtown or more housing stock. And if you're a municipality on a budget, seek out additional funding. For example, Columbia, Pennsylvania secured funding from its county as well as multiple state departments. This in turn supported the development of Susquehanna State Park, complete with a new trail system and an educational center.
3. **Avoid conflict.** Some initiatives actively work against walkability. These competing projects might be zoning codes that encourage sprawled housing — after all, walkability depends on houses (and businesses) being closer together. Excessive parking — especially street parking — can also hamstring walkability initiatives. More road-side parking often means narrower sidewalks.
4. **Seek inspiration.** There's good news: You don't have to start at square one. Countless municipalities have successfully implemented walkability initiatives, and you can learn from them. For example, the county of Arlington, Virginia is considered a Platinum-Level Walk Friendly Community. Its leadership has invested deeply in sidewalk expansion, pedestrian lighting improvements, curb ramps, crosswalk and signal enhancements,

and other features.

Similarly, Ypsilanti, Michigan is a Silver-Level Walk Friendly Community. Some 95 percent of community residents live within a five-minute walk from a transit stop and 10-minutes from a park. And Decatur, Georgia is a Gold-Level Walk Friendly Community. It achieved this by collecting data through an online community survey with 830 respondents, three community workshops, and a WikiMap.

As you plan developments and improvements for your municipality in 2023, consider putting walkability at the top of your list. Using the strategies above, you can create a community that's healthier, cleaner, and economically thriving. ☐

*Melissa Lee is a principal at Public Works Partners, LLC, a WBE/DBE/SBE certified planning and consulting firm specializing in multi-stakeholder initiatives and building strong connections across the government, nonprofit and private sectors. For more information, visit [www.publicworkspartners.com](http://www.publicworkspartners.com).*

## Town Attorneys

### Case Law Update: New York's Highest Court Finds that Heightened Recklessness Standard Applies When Evaluating Liability of Fire District for Firefighter's Actions

This past spring, the Court of Appeals heard a case in which the plaintiff sued a fire district after an accident where her motor vehicle crashed into a fire truck that was responding to a fire alarm (see *Anderson v. Commack Fire District*, \_\_\_\_ NY3d \_\_\_\_ [2023], 2023 WL 3010345). The plaintiff asserted that the fire district was liable for the actions of the firefighter, and the lower courts agreed that the case could proceed forward against the fire district. The Court of Appeals, finding for the fire district and reversing the lower courts' decisions, held that when evaluating these cases, both General Municipal Law section 205-b and Vehicle and Traffic Law section 1104 require the heightened "reckless disregard" standard analysis to apply, as opposed to a general negligence standard.

The court further found that a fire district is not vicariously liable for the conduct of a volunteer engaging in privileged activity when statutory conditions are met. Specifically, Vehicle and Traffic Law permits firefighters to engage in conduct that would otherwise violate the ordinary duty of care, so long as the firefighter / emergency vehicle driver

engages in particular safety precautions and avoids recklessness even when engaged in privileged conduct. In the instant case, the emergency vehicle was responding to a fire alarm, had activated the fire truck's lights and sirens, and stopped the fire truck before proceeding slowly through a red light, thereby rendering the conduct privileged. Applying the heightened reckless disregard standard, the court dismissed the case against fire district. This finding expressly provides fire districts with the protections afforded to other local governments that encounter vicarious liability claims. ☐

## Justice Courts

By Anthony Provenzano, Town Justice, Town of Rye

### People Failed to Meet Burden under Crawford Hearing

In *People v. Riley*, 2023 NY Slip Op 23012, a NYC criminal court considered evidence in a *Crawford* hearing relative to an Order of Protection that was requested by the People on behalf of a victim. The analysis is equally applicable to *Crawford* hearings that are held in town and village courts.

In this matter, the Defendant was arraigned on charges of NY Penal Law §§120.00(1), 205.30, 240.20(1), and 240.26(1), and a full "stay away" temporary order of protection ("TOP") was issued in favor of the complaining witness. Thereafter, the Defendant requested a prompt hearing pursuant to *Crawford v. Ally*, 197 AD3d 27 (1st Dep't 2021), to determine the appropriateness and scope of the TOP. At the conclusion of the hearing, and after consideration of the arguments presented by both sides, the Court modified the «full» TOP to a «limited» TOP.

The court reasoned that in *Crawford*, the First Department held that when the defendant presents the court with a showing that there may be an immediate and significant deprivation of a substantial personal or property interest upon the issuance of a temporary order of protection with a full "stay away" provision, "the Criminal Court should conduct a prompt evidentiary hearing on notice to all parties and in a manner that enables the judge to ascertain the facts necessary to decide whether or not the TOP should be issued." The First Department declined to articulate the precise form of the evidentiary hearing required.

The court went on to explain that unlike a formal fact-finding hearing or trial, a Crawford hearing typically occurs at the very beginning of the case, prior to discovery, investigation by the attorneys, or a comprehensive case analysis. Often times, attorneys appear at a Crawford hearing without any evidence, conducting more of an informal colloquy or conference, rather than an actual evidentiary hearing. This Court acknowledges that in the absence of appellate-level guidance on the format of a Crawford hearing, courts of concurrent jurisdiction have varied on the parameters used when making its determination.

At the Crawford hearing, the People conceded and this Court found, that the full “stay away” TOP deprived the Defendant of a significant property interest, and the burden then shifted to the People to establish an articulated reasonable basis for its issuance. See *Crawford*, 197 AD3d 27. The People argued that a full “stay away” TOP was necessary to ensure the safety of the complaining witness, and in support of this assertion, the People relied on the unconverted complaint and assumptions. The People did not produce witnesses, documents or relevant evidence to support their burden.

The People referenced, but did not offer, the Domestic Incident Report (“DIR”) giving rise to this case. In addition, the People referenced a prior DIR from 2014, involving a prior intimate partner, to support their position that a full “stay away” TOP is necessary. The Defense properly objected to its relevance. Additionally, the People acknowledged that the complaining witness is not cooperative, does not wish to have a full order of protection in her favor, and does not wish to proceed with this case. The People maintained that they are still conducting their investigation to determine if they can proceed with an evidence-based case against the Defendant.

Lastly, the People surmised that the TOP should remain a full “stay away” because the Defendant has arranged for an alternative place to stay during the three weeks since its issuance and it is, therefore, not a burden for him to continue in that arrangement. The People were unable to articulate any basis for this assertion. In response, Defense counsel maintained that the Defendant has been living in his car and has nowhere else to live at the present time.

The Defense argued that the People failed to meet their burden, arguing that no evidence or testimony

was introduced, and that the People’s case is based entirely on hearsay allegations. The Defense further argued that the Defendant does not pose a danger or threat of intimidation or injury to the complaining witness and that there was no medical attention received after the alleged incident giving rise to this case. The Defense reiterated that there was no evidence of past or present injury to the complaining witness and that there is plenty of room in the home for the parties to live at a respectful distance during the pendency of this case. Lastly, the Defense argued that the Defendant has been fully compliant with the terms of the full “stay away” TOP in effect since its issuance.

This court Reasoned that when determining the parameters used in a Crawford hearing, the process involved should not be so flexible as to be completely unrestricted. The information presented should have some minimal indicia of reliability to ensure basic due process standards are met. While the evidence need not be «competent,» it should, at the very least, be material, relevant and legally introduced. The Court should only give as much weight to the evidence as its probative value deems appropriate. In essence, an informal colloquy between the parties should not be a substitute for the evidentiary hearing.

In addition, when making its determination on a case-by-case basis, the severity of the allegations in the complaint, alone, may, in certain circumstances, suffice to sustain the People’s burden once the defendant has established a significant deprivation of a substantial personal or property interest. The court here noted that the severity of the allegations in this matter did not rise to that level. Finally the court concluded that the People failed to establish an articulated reasonable basis for the issuance of a full “stay away” TOP, and after consideration of the factors enumerated in C.P.L. §530.12 a “limited” TOP would achieve its purpose. □

## ***Highway and Public Works Departments***

### **Safety through Engineered Improvements**

By Robert Blaisdell, Director of Loss Control, Comp Alliance

There are several ways to mitigate the likelihood of workplace injuries, but not all methods are as successful as others. These mitigation measures



have been structured in a “hierarchy of controls,” a systematic approach to identifying and ranking the most effective methods of controlling occupational hazards. Falling somewhere in the middle of this hierarchy are engineering controls. From noise enclosures to machine guards, engineering controls help create a buffer between the hazard and the worker when more effective controls are not available or practical.

The hierarchy of controls for health and safety hazards in the workplace has five levels:

- 1. Elimination (Remove):** Remove the hazard from the source. For example, if you’ve experienced a lot of injuries due to woodchippers, consider contracting chipper use or tree-trimming to remove this hazard from your operations.
- 2. Substitution (Replace):** Dangerous or hazardous operations be replaced with less-hazardous ones after a safety examination. High-hazard chemicals can be replaced with less harmful ones that are not as dangerous to employees.
- 3. Engineering Controls (Reduce):** Reduce or prevent hazards from coming into contact with workers by using protective barriers, rotating shifts, and more. These are what we refer to as “engineering controls.”
- 4. Administrative Controls (Redesign):** Redesigning operations, such as ergonomic improvements through computer workstation setup, can reduce or remove hazards. Redesigns are often administrative changes and typically focus on changing the way we work to help avoid injury.
- 5. Personal Protective Equipment (PPE):** PPE is considered the last resort for employee protection and should be implemented in combination with other control measures or when the above controls are not feasible. Some high-hazard job functions are routine for municipal departments, so the best practice is to equip staff with proper PPE, like safety glasses, protective clothing, and respirators.

Engineering controls are one of the ways to reduce employees’ exposure to hazards. An engineering

control typically involves a physical change to the work area, equipment, or process that effectively minimizes employees’ contact with the hazard. By modifying equipment or a workspace, engineering controls decrease the likelihood of a workplace injury.

You can see from the hierarchy that engineering controls are not as effective as eliminating or substituting hazardous exposure but are more effective than administrative controls or PPE. In situations where a hazard cannot be removed or replaced, engineering controls can isolate the hazard. Below are a few different ways engineering controls can be incorporated into your municipal operations. Note that while new projects, equipment, and work operations often have engineering safety built into their design plans, they can also be integrated into current operations and equipment that are unsafe.

### **Machinery and Equipment**

Loud, vibrating, cutting, and circulating equipment and hot work operations are likely to cause acute and chronic injuries.

Engineering safety into the equipment and processes can help to minimize the negative impacts on employees. Corrective engineering controls should include:

- Installing sound buffering materials on walls in sewer plant blower and emergency generator rooms.
- Installing and improving guards on dangerous sections of machines including saws and cutting equipment. Guards also protect from pinch, cut, and crush hazards while routine maintenance is completed.
- Welding curtains or barriers that safely isolate hot works from other operations and staff. These barriers should still allow for the ventilation of dangerous off-gas vapors away from workers and the work environment.
- Guards on air compressor belts to protect from pinch and crush injuries. Such guards should allow for ventilation but prevent accidental intrusion. Failed or removed guards must be properly reinstalled and may require reengineering for proper protection. Manufacturer involvement is necessary for this correction.

When a hazard is due to equipment with limited employee access, a permanent enclosure should strongly be considered. These enclosures might be used for emergency generators, water and sewer pump stations, blower rooms, electrical switchgear, and boiler rooms. Engineering should consider soundproofing, heat distribution, exhaust ventilation, limited entry and exit, and allow for personal protective equipment (PPE).

### **Lifting**

Back injuries due to improper lifting are a leading cause of workplace injuries. Many engineering controls can help prevent lifting and other injuries. Storage systems and shelving should be between knee and shoulder levels to allow for easy access and minimize bending or reaching. Installing easy-access lifts, or hoists, to allow staff to move and access equipment from the floor reduces the likelihood of injury. Minimizing the need to access routine maintenance devices by reaching overhead or climbing is also beneficial. For example, boilers that have a top-mounted relief valve must be tested routinely. Installing a chain to the valve arm that can be accessed from the boiler room floor removes the need to climb or reach.

### **Highway Garages**

Highway garages are another place where engineering controls should be implemented. New highway garage facilities are being installed with in-floor, hot water radiant heating systems, which provide a more comfortable temperature in the garage for workers. Radiant floor heat systems also keep the garage dryer and allow for easier cleanup. These systems are engineered into new buildings but are likely not a plausible alternative for existing facilities. Lighting, however, can be improved with upgrades to LED units resulting in:

- Improved illumination;
- Savings on electricity;
- Improved vision;
- Decreased injuries from trips and falls; and
- Reduced struck-by injuries.

Adding lift systems to garage operations makes

working on vehicles easier when they are elevated by a mechanical system. Several types of vehicle lifts are available, including in-ground hydraulic lifts, scissor lifts, two-post lifts, and even portable lifts. A portable lift can move around the garage, allowing for more flexibility than a permanent lift.

### **Around the Office**

One example of engineering controls is an ergonomically arranged office space. Several studies show that a properly designed office space allows staff to be more productive and experience fewer musculoskeletal injuries, such as carpal tunnel. Musculoskeletal disorders consist of diverse conditions affecting bones, joints, muscles, and connective tissues. These disorders may result in pain, loss of function, and are among the most disabling and costly conditions in the workplace. An office space engineered for flexibility and comfort can prevent these injuries. Design considerations include appropriate seating, adjustable computer stations, lighting, sound design, file storage, centralized spacing, and even employee communications.

There are great benefits to engineering controls into your safety operations when alternative measures cannot control the hazards. You can reduce exposures by engineering protection systems into the process, redesigning the workspace for ergonomic and health improvements, removing exposure to hazardous operations through barrier installation, and adjusting risky job processes by engineering changes. Consider engineering improvements for your municipal operations to provide safer workplaces and reduce the likelihood of worker injuries.

For additional information or questions on engineering controls, please contact the Comp Alliance Director of Loss Control, Robert Blaisdell at [rblaisdell@wrightinsurance.com](mailto:rblaisdell@wrightinsurance.com). □



**2024 Annual Meeting & Training School\***  
**Feb. 18 - 21, 2024**  
**New York Marriott Marquis, NYC**

**ONLINE\* REGISTRATION OPENS AUG. 1 AT [WWW.NYTOWNS.ORG](http://WWW.NYTOWNS.ORG)**

**\*NYC Transit/MTA – must register via mail, online is not available.**

1. **EXPENSES:** Actual and necessary expenses incurred in attending this school, including the registration fee, are proper municipal charges under Town Law, §116(12) and General Municipal Law, §77(b).

### Early-bird rates

*Available beginning Aug. 1, 2023 through Oct. 31, 2023*

Member municipality, conference | \$120  
Non-member municipality, conference | \$145  
Non-municipality, company, conference | \$320

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### Rates increase Nov. 1

*through Jan. 27, 2024*

*(registrations submitted after Jan. 27 will be processed at on-site rates)*

Member municipality, conference | \$150  
Non-member municipality, conference | \$175  
Non-municipality, company, conference | \$350

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### Attorney Continuing Legal Education (CLE)

*(Credit hours and rates - 10 Professional Practice/Skills credits and 2 Ethics credits. All courses provide transitional and non-transitional credit.)*

FEE INCLUDES MEETING REGISTRATION.

Member (early bird / regular / on-site) | \$435 / \$465 / \$500  
Non-member (early bird / regular / on-site) | \$460 / \$490 / \$525  
Non-municipality, company, conference (early bird / regular / on-site) | \$635 / \$665 / \$700

---

### Code Enforcement Officer In-Service Training **PLUS** Town Justice and Court Clerk Training Returns

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**Lock in 2023 room rates by registering before 10/31!**

To reserve your room, visit <https://book.passkey.com/go/AOT2024> or call the NY Marriott Marquis at 1(877)303-0104.  
Rooms with an asterisk (\*) next to them have limited availability. 2023 room rates are as follows:

Marquis Standard King/Double | \$287  
**Times Square View | \$409\***  
**Deluxe Suite | \$609\***  
**Premier One-Bedroom Suite | \$709\***

CHK # \_\_\_\_\_

ORDER # \_\_\_\_\_

*Association of Towns Educational Series*  
*Registration Form*



# TRAINING & CERTIFICATION

## FOR TOWN OFFICIALS

NAME \_\_\_\_\_

TITLE \_\_\_\_\_ PHONE \_\_\_\_\_

TOWN/COMPANY \_\_\_\_\_

ADDRESS \_\_\_\_\_

EMAIL ADDRESS \_\_\_\_\_

### *ONE REGISTRANT PER FORM*

**EVENT: 2024 ANNUAL MEETING & TRAINING SCHOOL**

**FEB. 18 - 21, 2024**

**NEW YORK MARRIOTT MARQUIS, NYC, NY**

	Registration Type	Select (x)	Rate
<b>Aug. 1 - Oct. 31</b>	Early-bird Member		\$120
	Early-bird Non-member		\$145
	Early-bird Non-municipality / company		\$320
	Early-bird CLE member		\$435
	Early-bird CLE non-member		\$460
	Early-bird CLE non-municipality/company		\$635
<b>Nov. 1 - Jan. 27</b>	Member		\$150
	Non-member		\$175
	Non-municipality / company		\$350
	CLE member		\$465
	CLE non-member		\$490
	CLE non-municipality / company		\$665

***BOOK your room by Oct. 31, 2023 to lock in 2023 room rates. On Nov. 1, room rates will increase to 2024 rates. Vouchers are not an accepted form of payment.***

- To reserve your room, visit <https://book.passkey.com/go/AOT2024> or call the NY Marriott Marquis at 1(877)303-0104

MAIL or FAX completed registration form with a check for the corresponding registration fee to:

Association of Towns, 150 State St., Albany, NY 12207 | Fax: (518)465-0724

## New York Marriott Marquis Group Arrival Form

**IMPORTANT NOTE: THIS FORM DOES NOT SECURE YOUR SLEEPING ROOM RESERVATION**

Name of Group: \_\_\_\_\_

Arrival Date: \_\_\_\_\_

Departure Date: \_\_\_\_\_

Please Note: Hotel Check In time is 4pm. Any Group Arrivals prior to 4PM are NOT guaranteed ready rooms. Special Room Requests are NOT guaranteed 4PM check in. Hotel Check Out time is 11:00am. Bus arrivals (10 people or more) check -in will take place on the 3<sup>rd</sup> floor.

### Bus Arrival / Departure Information:

Bus Arrival Date \_\_\_\_\_

Bus Arrival Time \_\_\_\_\_

Bus Departure Date \_\_\_\_\_

Bus Departure Time \_\_\_\_\_

Name of Bus/Van/Shuttle Company: \_\_\_\_\_

Number of Bus/Van/Shuttle? \_\_\_\_\_

- Please call our Tour Captain Phone # 212-704-8938 on your Arrival Date 15 minutes prior to arrival at the Hotel.
- This will ensure that our Bell Staff is prepared for the group's bus/shuttle/van arrival.
- Bus Pick Up & Drop Off location is on 45<sup>th</sup> Street by Starbucks. New York City does not offer overnight Bus Parking.
- Please plan accordingly with your bus company.
- All luggage/bags need to be tagged with Guest Name Prior to Arrival at the Hotel.

**\*IMPORTANT: Please advise Event Manager/Hotel Tour Captain of any arrival/departure time changes\***

Onsite Contact: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

Number of People: \_\_\_\_\_ Number of Rooms: \_\_\_\_\_ Estimated Number of Bags: \_\_\_\_\_

The Porterage charge is mandatory for all groups (10 or more persons) that have a Bus, Van and/or Shuttle arrival at \$11.51 per bag/round trip, regardless if Bellman assistance is needed.

Will you require guest assistance with luggage upon arrival: Yes or No

Date & Time \_\_\_\_\_

*Please note with bag delivery at check-in it will take up to 45 – 60 minutes for every 20 bags to be delivered to guestrooms by the bellman.*

Will you require a bag pull/pick-up at checkout: Yes or No

Date & Time \_\_\_\_\_

*Please note that checkout is at noon, and with a group bag pull/pick-up it will take 30 – 40 minutes for every 20 rooms to be assisted by the bellman.*

**Request for Taxpayer  
 Identification Number and Certification**

**Give Form to the  
 requester. Do not  
 send to the IRS.**

Go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9) for instructions and the latest information.

1 Name (as shown on your tax return) and title (if name is requested) (This line is not shown if you are a filer)

**COMH TIMES SQUARE LLC**

2 Federal identification number (FID) (Do not include hyphen)

**NEW YORK MARRIOTT MARQUIS**

3 Check appropriate box for federal tax classification of filer (see instructions) (Do not check more than one of the following boxes.)

Sole proprietor or individual (do not check this box if the filer is a trust)

Partnership (Do not check this box if the filer is a trust)

Corporation (Do not check this box if the filer is a trust)

Trust (Do not check this box if the filer is a trust)

Other (see instructions)

4 If you are a filer, specify only the conditions that apply to you (see instructions on page 1)

Is the filer a partner?

Is the filer a partner in a partnership that is required to file a partnership return?

Is the filer a partner in a partnership that is required to file a partnership return?

5 Address (number, street, apartment, suite, etc.) (See instructions)

**6003 ROCKLEDGE DR STE 1500**

6 City, state, and ZIP code

**BETHESDA, MD 20817**

Requester's name and address (Do not include ZIP code)

Print or type.  
 See Specific Instructions on page 2.

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). If you are not a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I later. For other entities, it is a four-digit employer identification number (EIN). If you do not have an EIN, see *How to get a TIN*, later.

**Note:** If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* on page 2 for the name or address number to enter.

Social security number

--	--	--	--	--	--	--	--	--	--

OR

Employer identification number

2	6	-	3	0	4	8	3	3	8
---	---	---	---	---	---	---	---	---	---

**Part II Certification**

Under penalties of perjury, I certify that:

- The number and name on this form is my correct taxpayer identification number (or, if am a nonresident alien, correct foreign tax ID), and
- I am not subject to backup withholding because (a) I am a nonresident alien who is not required to file a return, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am not subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below), and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

**Certification instructions.** You must check out item 3 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest deduction, item 2 does not apply if you are a U.S. citizen or other U.S. person. For contributions to an individual retirement arrangement (IRA) and generally payments other than interest and dividends, you are not required to sign this certification, but you must provide your correct TIN. See the instructions for Part I later.

Sign Here

Signature of U.S. person

Date

10/5/2021

**General Instructions**

Sections referenced are to the Internal Revenue Code unless otherwise noted.

**Future developments.** For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to [www.irs.gov/FormW9](http://www.irs.gov/FormW9).

**Purpose of Form**

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), recipient taxpayer identification number (TIN), an employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following:

- Form 1099-DIV (dividend or payee)

- Form 1099-DIV (dividend or payee) (do not use for stocks or mutual funds)
  - Form 1099-MISC (various types of income, prizes, awards, or other proceeds)
  - Form 1099-B (broker's report of sales and proceeds) and other proceeds from brokers
  - Form 1099-S (gross proceeds from real estate transactions)
  - Form 1099-K (merchant card and third party network transactions)
  - Form 1095 (the new mortgage interest deduction (deduction interest), 1095-T, etc.)
  - Form 1099-G (unemployment)
  - Form 1099-A (acquisition or abandonment of secured property)
- Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See *What Name and Number to Give the Requester*, later.

- Anna Reynolds, Director of Community Resources, Essex County
- Ruth Ann Devitt-Frank, Director of Grants Department and Natalie Kikel, Grants Manager, City of Kingston Office of Grants Management.

They shared key strategies and tips for first-time grant applicants to successfully access grant funds including:

- Garnering local support for the project
- Building relationships with local partners
- Funding projects with multiple grants
- Meeting match requirements with in-kind services
- Paying staff with grant funds

In this article, we will delve into what these strategies mean and how the grant experts successfully utilize them to access grants for municipal projects.

### 1. Garnering Local Support for the Project

To successfully fund your project, all the presenters agreed the first step is to garner local support for the project. Beth Gilles emphasized the importance of making sure the project you are trying to fund is something your community wants. To ensure the project meets your community's needs, Anna Reynolds suggests reviewing your municipality's comprehensive plan to see how the project aligns with the broader goals of your community. The speakers recommended conducting outreach and coordinating with local partners to inform decision makers and align community priorities.

The speakers also emphasized the need to provide a clear purpose for how the funds will be used. For example, if your municipality wants funding to build a park, make sure your project description explains the need and benefits of the park for your community. Your application should also clearly explain how the funds will be spent in the application to the funding agency.

### 2. Building Relationships with Local Partners

An important piece of the planning phase the presenters shared is identifying partners that can provide the expertise and support that is needed for your project. The presenters suggested partnering

## Wadham's Wastewater Plant

Funding Source	Award Funds	Match Requirement
NYSDEC WQIP* Seasonal Disinfection	\$433,840	\$76,560
NYSEFC** Engineering Planning Grant	\$30,000	\$6,000
USHUD*** Community Development Block Grant	\$808,793	\$0
<b>Total Project Cost</b>	<b>\$1,320,000</b>	
<b>Annual Savings to Users</b>	<b>\$1037/year</b>	

with entities such as:

- Soil and water conservation districts,
- Regional planning boards, and
- Grantwriting and engineering firms.

Both soil and water conservation districts (SWCD) and regional planning boards have expertise and relationships to assist in the grant funding process. While there is some variation across the state, they generally have the capacity to write or assist in writing grant applications and manage or assist with managing contracts. They may charge administrative fees; however, those can usually be included in the grant proposal budget. Also, they can guide a municipality to apply for grants that are likely to fund the community's project.

A unique component about working with SWCDs, Cassandra Pinkoski shared, is they can help with applications for both public and private projects. This can be useful for projects that require funds to complete a project on private land. Cassandra also shared the benefits of partnering with local departments, which is covered in the *Use In-kind Services to Meet Match Requirements* section.

Another strategy that Donald Tesoriero (Village of Northport) shared is outsourcing grantwriting and engineering to a third-party consultant. This can be particularly useful for small municipalities with limited resources. Establishing relationships with third-party service providers helped the Village of Northport leverage the expertise of a third-party (e.g., engineer

## NYSDEC FUNDING FINDER



A new tool developed by New York State Department of Environmental Conservation (NYSDEC) in conjunction with the Long Island Sound Study, is the Funding Finder. The Funding Finder is designed to simplify the process of finding grant opportunities. The tool enables grant seekers to filter grant opportunities based on criteria that meets their specific needs. The Funding Finder includes federal, state, and regional funding sources to which municipalities can apply and receive funding.

or grant writing consultant) to get assistance with the administrative portion of grants and provide their municipality with the funding required to implement the project. If you choose to use this option, Donald recommends engaging with strategic partners and consultants early to ensure that they are the right fit for your community and meet your needs.

### 3. Funding Projects with Multiple Grants

A key strategy stressed by all the presenters, is to break your project into phases and use multiple grants to fund different components of the project. This helps identify the types of funding required for your project and provide specific and relevant information in your application. You may be able to use a mixture of funding from local, county, state and federal sources. Anna Reynolds provided an excellent example of using multiple funding sources to fund one project, Wadham's Wastewater Treatment Plant. Wadham had to upgrade its wastewater treatment plant to reach permit compliance. To kick off the project, the town contracted with an engineer, and Anna Reynolds requested the development of a cost estimate for the upgrade. The consultant provided an estimate and a report, which Anna used to apply for the necessary funding sources for the municipality. All the applications were successful and were used

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## USE AWARDED FUNDS AS MATCH

to complete the project. The grants dropped the cost for users dramatically. The initial price tag for the project was \$1,100 a year per user. Because of the grants, the capital cost decreased to less than \$100 per year. A huge success for the community and the users that rely on Wadham's Wastewater Plant.

\*New York State Department of Environmental Conservation, Water Quality Improvement Program

\*\*New York State Environmental Finance Center

\*\*\*United States Department of Housing and Urban Development

To identify funding sources for municipal projects, check out NYSDEC's Funding Finder Tool.

#### 4. Meeting Match Requirements with In-kind Services

Match is a typical requirement of grants to show local commitment to completing a project. A common misconception is that match for all grants must be a

Some grants allow the use of awarded funds as match, which can significantly reduce local costs. Ruth Ann Devitt-Frank, from the City of Kingston, noted that funders look favorably on grants that were previously awarded to your municipality and if the funding is going toward the same project, you may be able to utilize the previously awarded funds for match.

cash contribution to the project. This is not true; some grants allow the use of in-kind services for match. Using in-kind services allows the community to use local resources and staff time as match. Cassandra Pinkoski highly recommends working with the local highway department for projects that require things such as earth moving, construction and demolition. In these instances, the cost of the highway department's hourly rate for equipment and labor costs are used to meet the match requirements. If the highway department's staff and machinery was not used, the municipality would have to hire a contractor, which is an out-of-pocket cost. Utilizing the highway department saved the municipality money and provided match for the project.

#### 5. Paying Staff with Grants Funds

Some of the presenters shared that they were able to use grant funds to hire staff or consultants to



**NYSHIP**  
New York State  
Health Insurance Program

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- NYSHIP is available to **virtually all public employers** across New York State
- **Over 800 counties**, cities, towns, villages, school districts and special districts participate in NYSHIP
- **More than 1.2 million** public employees, retirees and their families have health insurance through NYSHIP

**A unique health insurance plan developed for New York's employees.**

For additional information regarding The Empire Plan, public employers may visit our website at [www.cs.ny.gov](http://www.cs.ny.gov) or email the Public Employer Liaison Unit (PELU) for the New York State Health Insurance Program at [PELU@cs.ny.gov](mailto:PELU@cs.ny.gov).

New York State Department of Civil Service, Employee Benefits Division

## NAVIGATING GRANT FUNDING: MUNICIPAL SUCCESS STORIES



Learn about successful strategies to access and manage grant funding from your peers. This webinar highlighted strategies from municipalities of various sizes, across New York State, use to secure grant funding. Presenters shared information on how to access grant funds, what barriers they have overcome, and lessons learned.

administer the grant contract and apply for additional grants. Both Beth Gilles and Ruth Ann Devitt-Frank

provided examples of increasing staff and grant capacity because of awarded grant funds. Beth Gilles began at Lake Champlain – Lake George (LCLG) Regional Planning Board in 2008, working in the water quality program. She noticed the gap in her region for accessing and managing grant funds at the local level. LCLG applied for its first grant in 2010 and was awarded \$21,000. Since then, its staff capacity has grown, and in 2022 alone, LCLG secured 17 grants totaling \$2.68 million in grant funding.

### Tips for First-time Grant Applicants

Here are some final pointers for municipalities that have never applied to grant funding before:

- Apply for a small grant to start things off.
- Utilize local experts like regional planning boards, soil and water conservation districts, and non-profits to help your municipality get started.
- Talk to the awarding agency about grant requirements.
- Score your project using the grant's scoring rubric to see how well your project will score.
- Reach out to the funding agency, if your community is not awarded, to understand why.

Grants can fund projects that a municipality cannot afford but are needed for environmental protection and restoration. Learning how to be successful at securing and managing grants is critical in today's world. Each presenter provided examples on how grant funding, helped solve problems in their community and reduce costs. To learn more from the experts, watch the recording of our *Navigating Grant Funding: Municipal Success Stories*. □

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# Maintain budget neutrality while implementing needed upgrades

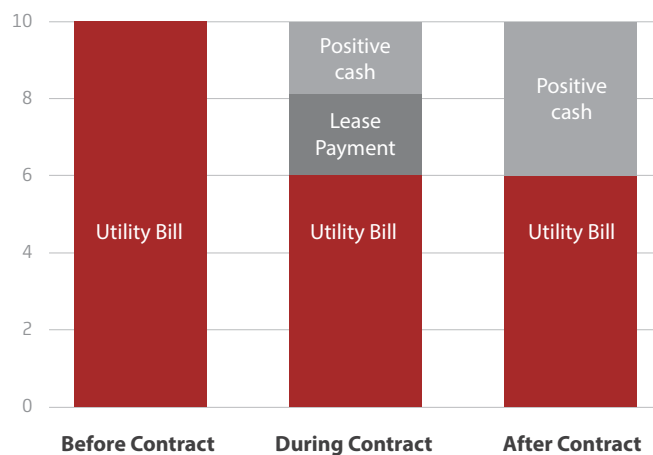


While energy and infrastructure upgrades reduce overhead costs, limited budgets and conflicting priorities can restrict spending that doesn't immediately impact frontline services. Centrica Business Solutions deploys flexible contracting options that enable local governments to maintain budget neutrality while implementing needed upgrades.

- Requires no initial investment
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# *New York's Roadmap for Replacing Toxic Lead Pipes*

By Maureen Cunningham and Breeana Gonzalez,  
Environmental Policy Innovation Center (EPIC);  
Photos by Casey Langan

New York State has a dirty little secret. It's underground and out of sight, but it poses a risk to the water we drink. It's the nearly 500,000<sup>1</sup> - or more<sup>2</sup> - service lines made of lead. Installed a century or more ago, these service lines carry drinking water from water mains to the curb (usually owned by the water utility) and from the curb to the home or building (usually owned by the property owner). Replacing the full service line, and not just a portion, is the primary solution to this problem, because removing only a portion can actually do more harm and result in higher lead levels in drinking water.<sup>3</sup>

While Poughkeepsie<sup>4</sup> and Troy<sup>5</sup> are the latest New York communities with lead pipes that have been exposed in the news, this is not limited to any one municipality, but rather is a problem faced by other cities, towns, and villages throughout the state (and country) - whether they know it or not. With the oldest housing stock in the country (which usually

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1 *Biden-Harris Administration Announces \$6.5 Billion for Drinking Water Infrastructure Upgrades Across the Country.* (2023, April 4). US EPA. <https://www.epa.gov/newsreleases/biden-harris-administration-announces-65-billion-drinking-water-infrastructure>

2 Cunningham, M., Gonzalez, B., Mulki, S., & Schmidt, D. (2023, April 12). *Reading between the numbers: The ongoing story of toxic lead pipes.* Environmental Policy Innovation Center. <https://www.policyinnovation.org/blog/reading-between-the-numbers-the-ongoing-story-of-toxic-lead-pipes>

3 Roper, C. (2018, March 12). *The Hidden Costs & Dangers of Partial Lead Pipe Replacements.* NRDC. <https://on.nrdc.org/3posgSE>

4 Bellamy, L. (2023, June 21). *Poughkeepsie lead pipe crisis detailed in new report.* Times Union. <https://bit.ly/3NOex00>

5 De Socio, M. (2023, April 8). *A US city received \$500,000 to remove lead pipes - and still hasn't spent it.* The Guardian. <https://www.theguardian.com/us-news/2023/apr/06/troy-new-york-lead-pipes>

corresponds to higher numbers of lead pipes),<sup>6</sup> New York State likely has its work cut out for it. New York City alone has approximately 137,542 lead pipes and an additional 230,870 lines of unknown material - and ranks third on the top 10 cities in the nation with the most lead pipes.<sup>7</sup> Albany, Buffalo, Newburgh, and other cities have been replacing lead pipes for years but still have many more to go.

Fortunately, this problem is more solvable today than ever before due to a mix of momentum, federal and state funding, and political and public will.<sup>8</sup> Earlier this year, some municipalities in the state joined a partnership with the Biden-Harris White House<sup>9</sup> and mayors from around the country to set a 10-year timeline and agree to guiding principles for getting the lead out quickly and equitably,<sup>10</sup> in line with the White House Lead Pipe and Paint

6 Zhao, N. (2021, March 26). *Age of Housing Stock by State*. National Association of Home Builders Discusses Economics and Housing Policy. <https://eyeonhousing.org/2021/03/age-of-housing-stock-by-state-3/>

7 Alkafaji, R. & Neltner, T. (2023, June 26). *Top 10 cities with the most lead pipes*. EDF. <https://blogs.edf.org/health/2023/06/06/top-10-cities-with-lead-pipes/>

8 Cunningham, M., Egorov, O., Gonzalez, B. (2022, December 7) *From the ground up: A guide to replacing the nation's toxic lead pipes over the next decade*. Environmental Policy Innovation Center. <https://www.policyinnovation.org/publications/from-the-ground-up-a-guide-to-lslr>

9 **FACT SHEET: Biden-Harris Administration Announces New Actions and Progress to Protect Communities From Lead Pipes and Paint.** (2023). The White House. <https://bit.ly/3NSizWf>

10 Gonzalez, B. (2023, February 7). *123 – and growing: A national movement to replace toxic lead pipes*. Environmental Policy Innovation Center. <https://www.policyinnovation.org/blog/epic-participates-in-get-the-lead-out-partnership>

Action Plan.<sup>11</sup> Some states, the latest being Rhode Island and before that New Jersey, set a 10-year statewide deadline to replace lead pipes, with states like Illinois, Michigan, and Wisconsin making other policy strides to inventory and replace theirs.

Many communities throughout the country are using more than one grant and/or loan source to develop multi-year financing plans for their lead service line replacement programs. There are several federal programs that fund lead service line replacement, including Drinking Water State Revolving Funds (DWSRFs) discussed here at length, the Water Infrastructure Finance and Innovation Act (WIFIA), and the Water Infrastructure Improvements for the Nation (WIIN), all administered by the United States Environmental Protection Agency (US EPA), as well as other programs such as the U.S. Department

of Agriculture (USDA) Rural Development Program and the Department of Housing and Urban Development (HUD) Community Development Block Grants (CDBG). The best sources of capital may vary, depending on whether a municipality is a state-defined disadvantaged community, its

11 **FACT SHEET: The Biden-Harris Lead Pipe and Paint Action Plan.** (2022). The White House. <https://bit.ly/3JA43ji>

capacity to take on additional debt, its credit score, its size, and other factors.

In 2021, the U.S. Congress appropriated \$15 billion for lead service line replacement in the Infrastructure Investment and Jobs Act (IIJA), also known as the Bipartisan Infrastructure Law (BIL), which serves as a boost of funding to the general DWSRF funds over the next five years. In New York, the Department of Health (DOH), in partnership with the Environmental Facilities Corporation (EFC) administers the DWSRF program, with large control over the project selection, ranking, and terms of assistance (e.g. size, length, and interest rate of loan). The new IIJA funding requires all states to allocate an unprecedented 49 percent of funds as additional subsidies (grants and forgivable loans) for disadvantaged communities, but states have broad discretion in

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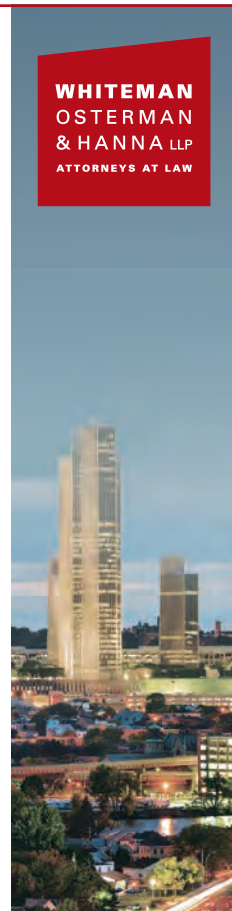
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defining these communities. New York State, for example, has been addressing its disadvantaged community criteria as part of the state's Climate Leadership and Community Protection Act (CLCPA).<sup>12</sup>

With so much federal funding in play, municipalities should start paying close attention to the state's Intended Use Plans (IUP) for how New York is setting policies around the distribution of these DWSRF and IIJA funds, the Project Priority Lists (PPLs), which detail the communities where funds are intended,<sup>13</sup> and the associated public comment period when municipalities can raise their voices. For example, New York State can set aside up to 26 percent of their federal IIJA capitalization grants for the full range lead service line pre-construction tasks, which can reduce the project costs to be covered by DWSRF loans and principal forgiveness and create further efficiencies. These pre-construction tasks can include developing inventories, creating criteria for prioritization of replacement efforts, designing and planning projects (including procurement of supplies and contractors), conducting outreach to building owners and tenants, drafting and adopting municipal ordinances to regulate the work, and supporting the development of a local workforce to develop projects. Municipalities can urge the state to maximize set-asides from the IIJA funds for these pre-construction tasks.

12 *Disadvantaged Communities Criteria - New York's Climate Leadership & Community Protection Act.* (n.d.). NY-SERDA. <https://climate.ny.gov/Resources/Disadvantaged-Communities-Criteria>

13 For more information on how states intend to use EPA issued Drinking Water State Revolving Funds, please visit <https://www.policyinnovation.org/water/tracking-srfs> and <https://www.policyinnovation.org/iup-comments>

Despite an influx of funding at the federal level through IIJA, only 7 percent of eligible water systems have been able to access DWSRF funding in the past decade, and less than 25 percent of these funds have reached disadvantaged communities nationwide in the same period.<sup>14</sup> Water systems indicate that identifying funding sources, preparing funding applications, and managing grants are all significant hurdles.<sup>15</sup> Without removing many of these existing barriers to ensure more municipalities have the knowledge and capacity to apply for and access DWSRFs and other public funding, we cannot expect this cycle of disinvestment to change.

Modeled after New York State's climate legislation, which mandated 40 percent of investments go to disadvantaged communities,<sup>16</sup> the Biden-Harris administration has in turn adopted the Justice40 Initiative<sup>17</sup> and has set into motion not only the emphasis on principal forgiveness for disadvantaged communities through the IIJA funding, but has also developed a vast network of water technical assistance (TA) providers around the country to overcome these

14 Hansen, K., Hughes, S., Paine, A., & Polidori, J. (2021, August 9). *Drinking Water Equity: Analysis and Recommendations for the Allocation of the State Revolving Funds.* Environmental Policy Innovation Center. <https://www.policyinnovation.org/publications/drinking-water-equity>

15 Elkins, P., Magno, L., Hansen, K., Schmidt, D., Holmbeck, S., Himmelberger, H. (2023, April 21). *Water Systems in Southeastern Pennsylvania Face Challenges in Accessing Public Funds for Infrastructure.* Environmental Policy Innovation Center. <https://bit.ly/3PHlodI>

16 *Climate Leadership and Community Protection Act.* (n.d.). NY Renews. <https://www.nyrenews.org/clcpa>

17 *Justice40 Initiative.* (2023). The White House. <https://www.whitehouse.gov/environmentaljustice/justice40/>

access hurdles.<sup>18</sup> For example, the Environmental Policy Innovation Center (EPIC) is a water TA provider through its Funding Navigator program<sup>19</sup> and its role as a national Environmental Finance Center selected by the US EPA.<sup>20</sup> Disadvantaged communities can request assistance from EPIC, the EPA, or other water TA providers in applying for public funds, developing lead service line inventories and replacement programs, and designing community-centered and climate-resilient drinking water, stormwater, and wastewater projects (not just related to lead service line replacement).

New York, unlike many other states, has state funding available as well. The Water Infrastructure Improvement Act (WIIA) has been a transformative source of funding in the state since 2015 for drinking water and wastewater infrastructure projects, including lead service line replacement.<sup>21</sup> In 2017, the Clean Water Infrastructure Act (CWIA) was enacted to fund a number of water initiatives, including an initial \$20 million for lead service line replacement in 10 regions of the state.<sup>22</sup> More funding for water quality improvements, which includes lead service line replacement, was part of the

18 *Water Technical Assistance.* (2023). US EPA. <https://www.epa.gov/water-infrastructure/water-technical-assistance>

19 *Funding Navigator.* (2023). Environmental Policy Innovation Center. <https://www.policyinnovation.org/funding-navigator>

20 *Environmental Finance Centers.* (2023). US EPA. <https://www.epa.gov/water-financecenter/efcn>

21 Cunningham, M. & Hayes, R. *Untapped Potential: New York's Growing Water Infrastructure Need.* (2020). Environmental Advocates NY. [https://eany.org/eanypdfs/eany\\_2020\\_water\\_report\\_1.pdf](https://eany.org/eanypdfs/eany_2020_water_report_1.pdf)

22 Hayes, R. (2023). *Untapped Potential: A New Era for New York's Water Infrastructure.* Environmental Advocates NY. [https://eany.org/wp-content/uploads/2023/02/EANY-Untapped-Potential\\_FINAL.pdf](https://eany.org/wp-content/uploads/2023/02/EANY-Untapped-Potential_FINAL.pdf)

Environmental Bond Act passed by voters in 2022.<sup>23</sup>

Municipal bonding is another funding possibility for communities who can take on debt, but a perceived barrier is whether and how to use municipal bonding in connection with private property - in particular for replacements on the private side of the service line. This can be overcome using an often overlooked accounting measure called General Accounting Standards Board (GASB) #62.<sup>24</sup> In addition, New York State's Fiscal Year 2023-2024 Budget (Part UU of the state transportation, economic development, and environmental conservation budget, or TED) also mentioned lead service lines, ensuring the definition of these lines is not contingent on ownership (the service line "may be owned by the water system, a property owner, or both"), which may further facilitate the use of public funds and municipal bonds on private property.<sup>25</sup>

There are also important regulations to watch for, with some ties to funding. October 2024 is a key date for lead service lines. It's when water systems - including those in New York State - must comply with the federal regulations, particularly the Lead and Copper Rule Revisions promulgated in 2021, which require water systems to develop a lead service line inventory that must be updated annually. The EPA published an



inventory template and guidelines for developing inventories in August 2022 to help water systems comply with these new regulations.<sup>26</sup> The New York State Legislature also recently passed the Lead Pipe Right to Know Act (although at the time of this article has not been signed by the governor and enacted into law),<sup>27</sup> which would require water systems to make their inventories publicly available and enable a greater focus on transparency and accountability. The EPA's announcement on April 4, 2023 tied the number of estimated lead service lines to the federal allotment formula for IIJA funds for the first time, and New York State received a reduced allotment of IIJA federal funding for lead service line replacement as a

result.<sup>28</sup> The link to the funding makes it critical for New York to take an active role in ensuring water systems complete their inventories of lead service lines as quickly as possible.

While access to funding is key, municipalities can start planning now for their lead service line replacement programs. Environmental advocates from New York and other states developed a set of principles around the equitable replacement of lead pipes that can serve as a checklist for communities on everything from community engagement and local workforce development to providing safe water during construction activities.<sup>29</sup> As an example of a best practice, the Troy City Council recently adopted an ordinance,

23 *The Clean Water, Clean Air, and Green Jobs Environmental Bond Act.* (n.d.). NYS Dept. of Environmental Conservation. <https://www.dec.ny.gov/about/127431.html>

24 *Toolkit: Tap into Resilience.* (n.d.). WaterNow Alliance. <https://tapin.waternow.org/toolkit/?item=debt>

25 *New York State Budget (S.04008C/A.03008C) for State Fiscal Year 2023-2024.* (n.d.). [https://nyassembly.gov/leg/?default\\_fld=&leg\\_video=&bn=S04008&term=2023&Summary=Y&Text=Y](https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=S04008&term=2023&Summary=Y&Text=Y)

26 *Revised Lead and Copper Rule.* (n.d.). US EPA. <https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule>

27 *New York Legislature Passes Groundbreaking Bill on Lead Service Lines.* (2023, June 5). New York League of Conservation Voters. <https://bit.ly/434qZ15>

28 *An Initial Analysis of EPA's New State Funding Allotment for Lead Service Line Replacement.* (2023, June 23). Environmental Policy Innovation Center. <https://bit.ly/3CNdKqO>

29 *Principles for Lead Service Line Replacements.* (2022, March 14). <https://bit.ly/3JAZu5>

modeled after Newark, NJ and Benton Harbor, MI, to ban partial lead service line replacements and ensure the city has right of entry to all properties.<sup>30</sup> Buffalo has partnered with several community-based organizations - Heart of the City Neighborhoods, Open Buffalo, and Citizen Action of New York in addition to national organizations - to map its lead service lines.<sup>31</sup> Newburgh, too, has partnered with the Newburgh Clean Water Project on community outreach. Buffalo and Newburgh, with help from GHD, are mapping their most vulnerable neighborhoods, which can then be prioritized with replacements. Water, public works, and highway departments within municipalities can coordinate on lead service line replacement in conjunction with other projects like sidewalk construction, water meter and main replacement projects, and street paving to maximize efficiencies at the local level. Innovative contracting and procurement strategies like Community-Based Public-Private Partnerships (CBP3s) are also something that New York State and municipalities should consider, especially for the efficiencies of scale that this level of collaboration can represent.<sup>32</sup>

The existence of the nearly

<sup>30</sup> Ordinance Amending Rules and Regulations of the City of Troy Department of Public Utilities. Minutes of the Troy City Council. (2023, March 2). [https://www.troyny.gov/AgendaCenter/ViewFile/ArchivedMinutes/\\_03022023-124](https://www.troyny.gov/AgendaCenter/ViewFile/ArchivedMinutes/_03022023-124)

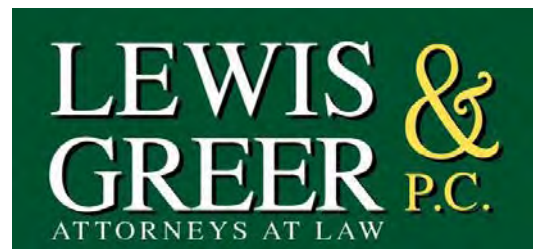
<sup>31</sup> Greiling, D. (2022, July 20). *Buffalo Community Groups Join Map Project To Find and Replace Lead Water Pipes*. BlueConduit. <https://blueconduit.com/post/get-the-lead-out-of-buffalo/>

<sup>32</sup> Male, T., Cunningham, M., Agid, S., Glass, E., Kerachsky, S., Sinha, S., & Thomas, T. (2021). *Replacing Toxic Lead Water Pipes Faster: Innovative Procurement and Financing Approaches are Just as Important as Federal Funding* Environmental Policy Innovation Center. <https://www.policyinnovation.org/publications/replacing-toxicleadwaterpipesfaster>

500,000 or more lead service lines throughout New York State will not be a secret for long, once they are located and mapped by municipalities and water systems between now and October 2024. Two years ago, New York State passed the Environmental Rights Amendment to the New York State Constitution, which ensures that “each person shall have a right to clean air and water,

and a healthful environment.” Replacing lead service lines and removing this public health threat from our drinking water is part of the necessary roadmap to achieving that right. In partnership with the state, New York towns, municipalities, and water systems are key to ensuring this happens - using the funding, the resources, and the momentum now at their disposal. □

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# Become a Green Purchasing Community

## Why Become a Green Purchasing Community?

The Green Purchasing Communities (GPC) program makes it easy for local governments to ensure that the products they are purchasing have a lower environmental impact.

### Benefits of becoming a GPC include

- Adopting a simple-to-administer green purchasing program
- Moving the market in a more sustainable direction
- Being recognized for your commitment to the environment
- Getting points towards Climate Smart Communities Certification

Local governments that become a Green Purchasing Community commit to following the GreenNY purchasing specifications that New York State government uses. By making this simple change, local governments can work towards purchasing products and services that are better for our public health and the environment. With over 75 different GreenNY purchasing specifications covering office and building management supplies, electronic equipment and appliances, food service items, and transportation items, there are specifications to follow for a wide variety of items frequently purchased by local governments. In addition, the GreenNY Council is constantly working to update existing specifications and create new ones, meaning that Green Purchasing Communities will automatically be following the latest green purchasing specifications. [Additional “environmentally preferable purchasing” language](#) can also be added to local government purchasing policies to encourage procurement of “recycled” or “energy efficient” equipment, for example.

## How to Become a Green Purchasing Community

### Becoming a GPC is as easy as 1, 2... that’s it!

1. Add the Green New York [model language](#) to the government’s purchasing policy. Amendments to purchasing policies are normally approved by the municipality’s legislative body or another body that handles procurement policy, such as a board of estimate and apportionment.
2. Submit the [application](#), along with the resolution approving the inclusion of the model language and a copy of the new purchasing policy to [gpc@dec.ny.gov](mailto:gpc@dec.ny.gov).

## Learn More

You can learn more about the program on the [GPC website](#) or by contacting us at [gpc@dec.ny.gov](mailto:gpc@dec.ny.gov).



# Reciprocal Deposits for Cash Management

Courtesy of IntraFi, [www.intrafi.com](http://www.intrafi.com)

*Government finance officers can protect taxpayer dollars while working directly with a single, local bank and keeping funds in the community.*

As a municipal government finance officer, your cash

management responsibilities likely include preserving liquidity, maximizing returns, minimizing risk, safeguarding funds, and keeping funds local (perhaps to meet statutory requirements). Additionally, you need to adhere to strict rules on investments and manage heavy administrative burdens, among other constraints.

There are many tools to help with these objectives, though none are perfect. Money market mutual funds are not FDIC-insured, may come with restrictions and fees on withdrawals, and could fall below the value of your initial investment. Repos and collateralized deposits carry counterparty risk and additional administrative burdens, such as the need to continuously track changing collateral values. Approved cooperative investment pools may not use funds locally.

Given some of these drawbacks, your preferred cash management tool may be an interest-bearing bank account. However, bank accounts for government entities are insurable only up to \$250,000. To ensure all the funds you manage are eligible for FDIC insurance, you can set up multiple accounts with multiple institutions—an approach many government finance officers take—but one that's time-consuming and resource-intensive.



What if you could work directly with a single, local bank to access millions in FDIC insurance through a network of banks? Even better, what if your chosen bank could help you not only keep large cash balances safe, but also keep your funds in the local community?

With reciprocal deposits — a feature available through certain FDIC-insured deposit placement services — you can do both.

### **What Are Reciprocal Deposits?**

Reciprocal deposits are funds received by a bank through a deposit placement network with the same maturity (if any) and in the same amount as deposits the bank places at other banks in that network.

How does it work? As an example, two deposit placement services — ICS, the IntraFi Cash Service, and CDARS — have a reciprocal deposits feature. With ICS and CDARS, a large deposit is split into amounts of less than \$250,000 (the standard FDIC insurance maximum), making principal and interest eligible for FDIC protection. Those amounts are placed into FDIC-insured deposit accounts at other participating bank network members, which then send matching (or reciprocal) deposits back to the placing bank (the Relationship Bank).

The result is that you can work directly with just one bank and receive just one regular statement per service detailing all of your placements, while accessing millions in FDIC insurance through many banks.

An added benefit of reciprocal deposits is that your bank can receive dollar-for-dollar funding. This means that the full amount of your deposit stays on your bank's balance sheet and can be used to support local lending opportunities.<sup>1</sup>

### **Other Benefits of Deposit Placement Services**

When funds are placed through a deposit placement service like ICS and CDARS, with access to FDIC insurance on large deposits, ongoing collateralization is not needed. You won't receive a lower rate from your bank due to the collateralization costs it might otherwise incur, and you won't need to track changing collateral values or footnote uninsured deposits in your organization's financial statements.

Conveniently, access to FDIC insurance on large-dollar deposits through a single bank relationship also eliminates the need to manually consolidate different interest disbursements and balances. In addition to safety and simplicity, other benefits include:

**Enabled by state law.** Various New York statutes permit placement of certain government funds through a deposit placement service if the funds are placed on a reciprocal basis.

**Protection against losses.** Funds placed in demand deposit accounts, money market deposit accounts,

and CDs are not subject to floating net asset values, so market volatility won't impact principal.

**Access to funds.** Access funds placed in demand deposit accounts and money market deposit accounts. For CD placements, multiple term options are available.

### **Regulatory Changes Have Driven Movement toward Community Banks**

Over the years, new rules and regulations have increased the relative attractiveness of reciprocal deposits as a cash management alternative. In 2014, changes to the Basel III liquidity coverage ratio made public funds more expensive for the nation's largest banks, which responded by lowering the returns they offered and, in some cases, rejecting public entities' deposits outright.

Many government finance officers responded by moving deposits into money market mutual funds. However, in 2016, a rule adopted by the Securities and Exchange Commission forced prime money market mutual funds to change how they calculated net asset values, increasing the risk of what had previously been a stable, liquid investment. In addition, fund boards gained the ability to impose liquidity fees or temporarily suspend redemptions when liquid assets fell below a certain threshold.

In May 2018, community banks received relief when the Economic Growth, Regulatory Relief, and Consumer Protection Act amended the Federal Deposit Insurance Act to make most reciprocal deposits — which tend to be stable, relationship-based deposits — reportable as nonbrokered. Today, assuming a bank is well-capitalized and well-rated, the vast majority (if not all) of its reciprocal deposits are considered nonbrokered. This shift permitted community banks to significantly expand their use of such deposits, directly benefiting customers (like public entities) that can take advantage of them.

### **A Win for Governments and Community Banks**

Even before the Economic Growth, Regulatory Relief, and Consumer Protection Act, many government finance officers preferred reciprocal deposits to money market mutual funds and government securities. Since the law's passage, more and more depository institutions have provided deposit placement services that offer reciprocal deposits, giving depositors great options for safety, convenience, returns, and community support.

Demand for access to FDIC insurance (and thus reciprocal deposits) surged again in March 2023, after Silicon Valley Bank and Signature Bank failed, and deposit safety rose to the forefront.

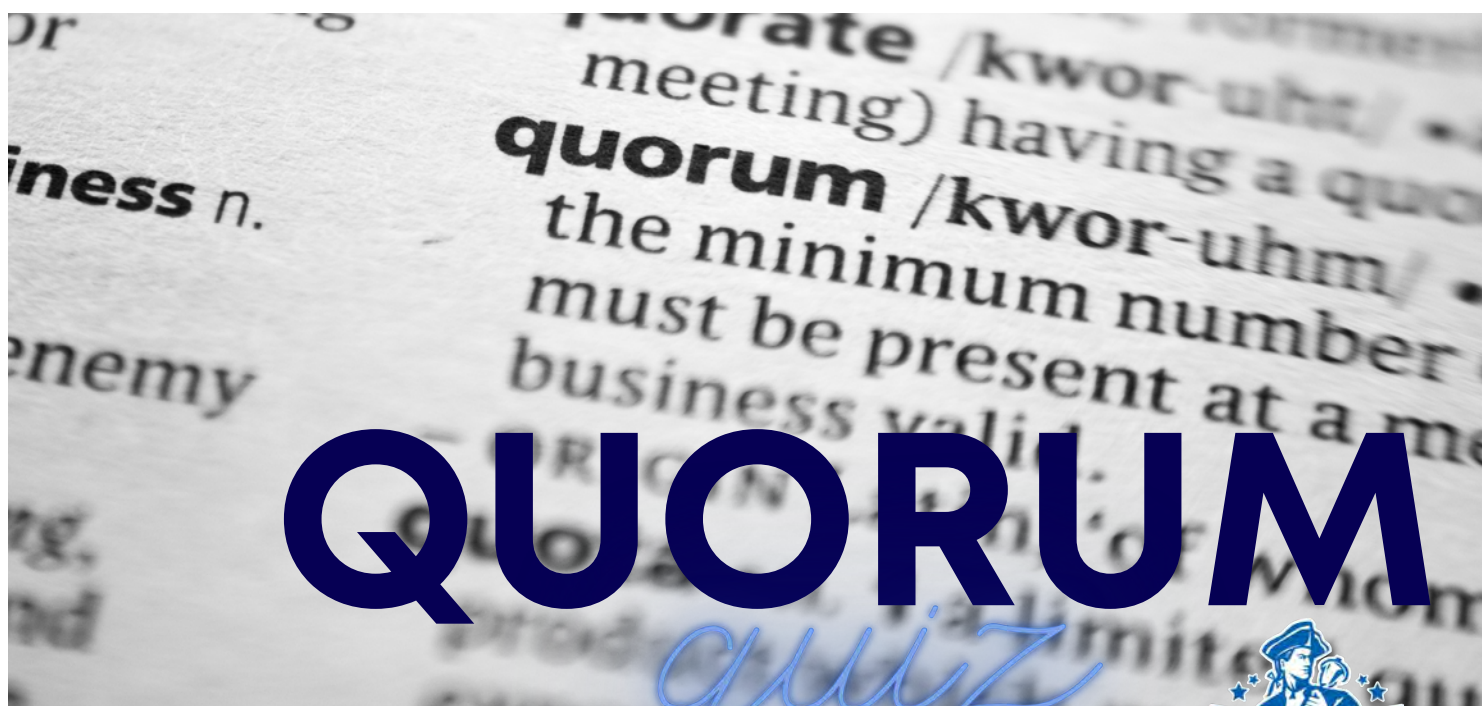
To date, thousands of governmental organizations around the nation have placed billions of taxpayer dollars through deposit placement services, leading

to stronger and deeper working relationships with community banks. If deposit safety and supporting your local community are top priorities for your organization, it may be time to give reciprocal deposits a closer look.

When deposited funds are exchanged on a dollar-for-dollar basis with other participating institutions in IntraFi's network of banks through ICS and CDARS, your bank can use the full amount placed for local lending, satisfying some depositors' local investment goals or mandates. Alternatively, with a depositor's consent, an institution may choose to receive fee income instead of deposits from other institutions. Under these circumstances, deposited funds would not be available for local lending. Depositors are responsible for complying

with applicable law, which may require that funds be placed on a reciprocal basis.□

*Deposit placement through CDARS or ICS is subject to the terms, conditions, and disclosures in the applicable agreements. Although deposits are placed in increments that do not exceed the FDIC standard maximum deposit insurance amount ("SMDIA") at any one destination bank, a depositor's balances at the institution that places deposits may exceed the SMDIA (e.g., before settlement for deposits or after settlement for withdrawals) or be uninsured (if the placing institution is not an insured bank). The depositor must make any necessary arrangements to protect such balances consistent with applicable law and must determine whether placement through CDARS or ICS satisfies any restrictions on its deposits. A list identifying IntraFi network banks appears at <https://www.intrafi.com/network-banks>. The depositor may exclude banks from eligibility to receive its funds. IntraFi, ICS, and CDARS are registered service marks, and IntraFi Cash Service is a service mark, of IntraFi Network LLC.*



Quick reminder – if a majority of a board is talking about town business, whether it be on a text chain, phone conference, or at a local barbeque, and it's not an exception or exemption to Open Meetings Law, that's considered a "meeting" and needs to be noticed and open to the public. "Meeting" is defined as a majority of the board getting together for the purposes of conducting business. Note, it doesn't say that a meeting has to be in person, nor does it focus on intent, so you and a majority of your board members could be on a text chain meant to send funny gifs, the intent isn't there to have a meeting, but the minute you start texting about town business, you're wading into meeting territory and you should return to sending cat memes.



# *The Economic Benefits of Offshore Wind*

*By Celeste Frye, AICP*

Municipalities across the nation are eager to tap into additional sources of renewable energy. And as New York State swiftly embraces the auctioning of coastal areas to enthusiastic developers, offshore wind isn't just the newest source of renewable energy, it might be the next [billion dollar industry](#).

Indeed, offshore wind investments and infrastructure are gaining significant momentum, especially on the East Coast. New York alone has over [4,300 megawatts](#) under active development — enough to power millions of homes. As engineers continue to conduct essential studies, in parallel with a consortium of real estate, planning, utilities, and green tech firms; on the logistics of offshore wind farms, cities are finding themselves working from the ground-up and assigning significant resources, time, and financial investment to make the most of this powerful source of renewable energy.

Regardless, offshore wind remains a nascent industry in the United States, and not every municipality is as eager to experience the growing pains that can come with implementing a new industry. However, with every challenge comes an opportunity waiting

to be seized, and the opportunity here is workforce development. Consider the potential benefits of establishing a robust supply chain in New York. Coastal cities with strong port infrastructure benefit, as this is necessary to assemble virtually all the offshore wind farming infrastructure. Recognizing the significance of this endeavor, New York is currently in the initial planning phases of building port infrastructure. The economic advantages are also not limited to coastal areas alone; inland municipalities can also reap significant rewards as the industry demands the manufacturing of various components, a process that doesn't need to occur near port infrastructure and can actually open doors for upstate regions that are less constrained by space to benefit from participation. There are also numerous roles related to the planning, coordination, and execution that can be distributed to various locations, offering potential job opportunities virtually anywhere.

Offshore industry research and development (R&D) presents yet another avenue for job creation available to municipalities both with and without direct water access. Even landlocked universities and technology

firms can engage in vital engineering work and foster significant innovation. By developing offshore wind curricula into their engineering program, universities can attract local engineering talent. For example, look at the [Offshore Wind Innovation Hub](#), an initiative led by Equinor in partnership with British Petroleum and in collaboration with the NYU Tandon School of Business' Urban Future Lab. Together, they accelerate the local development of new technologies for the national and international offshore wind industry, to facilitate cost-efficiency gains. By focusing on R&D, these entities can contribute to the industry's growth and progress, even without proximity to coastal areas.

So, which types of municipalities are best positioned for the aforementioned endeavors? More than you think. Those with existing port infrastructure, as evident from New York City's success, clearly have a leg up. Additionally, communities equipped with robust professional education and workforce training programs are well-suited, as they can swiftly mobilize a skilled workforce. Moreover, municipalities with a strong manufacturing base are highly compatible – such as those located upstate, for example, that can repurpose metal factories and other industrial buildings into hubs for the production of offshore wind farm components. Onshore municipalities that host the cabling and substation can create utility jobs by reconfiguring the grid to account for all the new wind energy generated.

It's also worth noting that municipalities don't have to go it alone – there are market opportunities for different localities to collaborate. Municipalities should be encouraged to build supply chain transit connections and/or team up on workforce development initiatives.

As municipal leaders seek renewable energy and economic growth, offshore wind farms are an opportunity to achieve both. With the right strategy, municipalities across New York can help shape this new industry – and benefit from it immensely. □

*Celeste Frye, AICP is co-founder and CEO of Public Works Partners, LLC, a WBE/DBE/SBE certified planning and consulting firm specializing in multi-stakeholder initiatives and building strong connections across the government, nonprofit and private sectors. For more information, visit [www.publicworkspartners.com](http://www.publicworkspartners.com).*

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