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As New York Reopens, Focus Zeroes in on Budgets and Funding

By Executive Director Gerry Geist



As New York State returns to normalcy, after a year-plus of limitations and restrictions due to the COVID-10 pandemic, towns stand to benefit greatly from the dollars flowing to them from the American Rescue Plan Act (ARPA). Thanks to the legislative leadership of U.S. Sen. Charles Schumer, real economic relief is on its way. Coupled with an infusion of dollars from the state to fix our ailing roads, New York will be able to address many areas of concern that have been neglected for far too long. Your association has and will continue to provide information through webinars and other outlets to help assist you in making sure that the dollars you receive are appropriated properly. The amount of inquiries has been substantial and our staff continues to provide up to date information as we have it. Unfortunately, as of press time, there are some areas still that haven't been fully addressed, and we will continue to work to get updated guidance to address issues that will arise. Please continue to check www.nytowns.org and AOT's social media pages regularly for breaking news updates regarding ARPA.

I am inviting each of you to let us know how your town will be spending the money you receive so we can create a database in which we can let the decision-makers in Washington know that the program was a success. Each

of your stories is a success story, and we should highlight those opportunities.

The Association continues to monitor developments in Washington with respect to a potential infrastructure plan, which if adopted, will provide additional opportunities to address issues pertaining to various projects including, sewer and water issues.

The challenge for all of us is to make sure that if there are projects that would be covered by these new sources of funding that towns have developed pathways of turning concepts into working projects.

Now more than ever, financial planning, including adopting the best management practices for budgeting, should be at the forefront of all towns operations. Our finance schools, which we run jointly with the State Comptroller's Office, continue to address and highlight areas of concern and ways to handle the myriad of issues that are tossed in our direction. How best to use budget tools to account for ARPA, cannabis and potential infrastructure funds will be vitally important as towns head into budget season. I am sure all towns are also keeping a close eye on the tax collections in 2021 for the property tax payments and to measure if there were any issues raised in collecting by virtue of the pandemic. □



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The 2022 Town Budget Process and Calendar

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/).

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/; and www.tax.ny.gov/pdf/publications/orpts/capguidelines.pdf).

Preparation of the Tentative Budget (Town Law §106 [2]): After reviewing estimates submitted by department heads and preparing

| 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) |

**Source: the New York State Comptroller's Office
Local Government Management Guide, Understanding the Budget Process**

2022 TOWN BUDGET PROCESS

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.

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 2021, this will be **Thursday, November 4 (December 10)**. The hearing

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.

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

2022 TOWN BUDGET PROCESS

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 \[LGSAMonitoring@osc.ny.gov\]\(mailto:LGSAMonitoring@osc.ny.gov\)](#)).

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.

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2022 TOWN BUDGET PROCESS

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]).

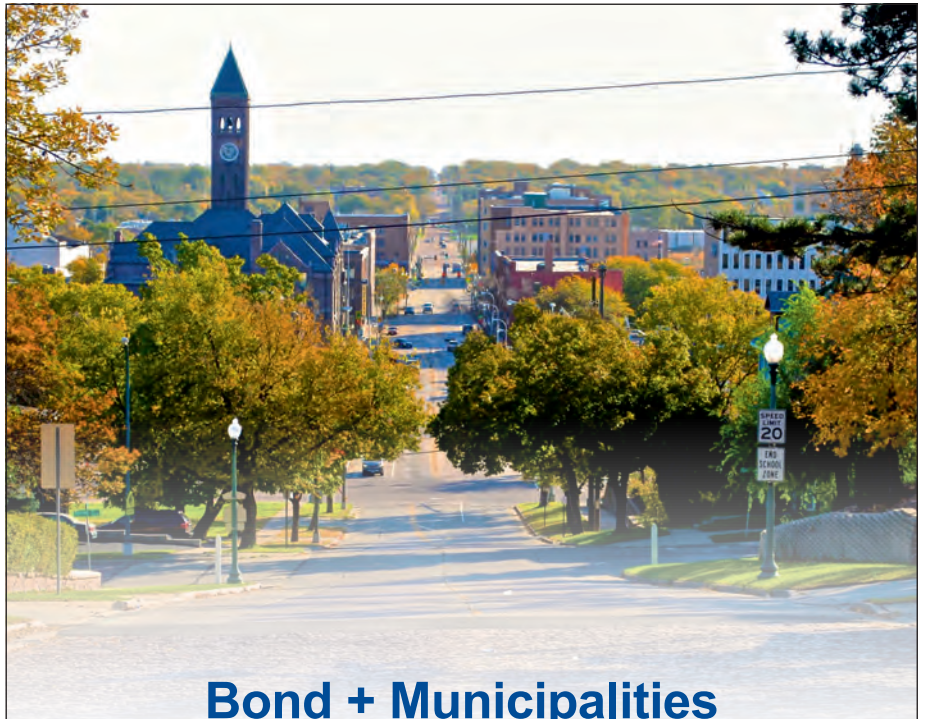
Once the special assessment roll is filed, the town board must have public hearing on it. Notice of the public hearing must be published in a newspaper at least 10, but not more than 20, days prior to the date of the public hearing; except for towns in Westchester County, the roll be adopted at least 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, 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



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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 2021 tax levy limit to carryover a certain amount into the next fiscal year. If the town met or exceeded its levy limit for 2021, there will be no available carryover to apply to 2022. If the town's levy for 2021 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 2022, 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 2021, but ended up with an actual levy below the tax levy limit. ☐

Calculating Available Carryover

| | (1) Carryover less than 1.5 percent of prior year's levy limit | (2) Carryover greater than 1.5 percent of prior year's levy limit | (3) No available carryover |
|---|--|---|----------------------------------|
| 2021 tax levy limit | \$10,200,000 | \$10,200,000 | \$10,200,000 |
| 2021 town tax levy | \$10,150,000 | \$10,000,000 | \$10,200,000 |
| Amount below tax levy limit (unused levy) | \$50,000 | \$200,000 | 0 |
| 2021 levy limit x .015 (carryover ceiling) | \$153,000 | \$153,000 | \$153,000 |
| Allowable carryover for 2022 (Lesser of unused levy and carryover ceiling) | \$50,000 | \$153,000 | 0 |
| 2022 Levy Limit (2020 town tax levy x 1.02) | \$10,353,000 | \$10,200,000 | \$10,404,000 |
| 2022 allowable levy (2021 levy limit + available carryover) | \$10,403,000 | \$10,353,000 | \$10,404,000 |

Leveraging the American Rescue Plan Act to Reduce Future Budgets

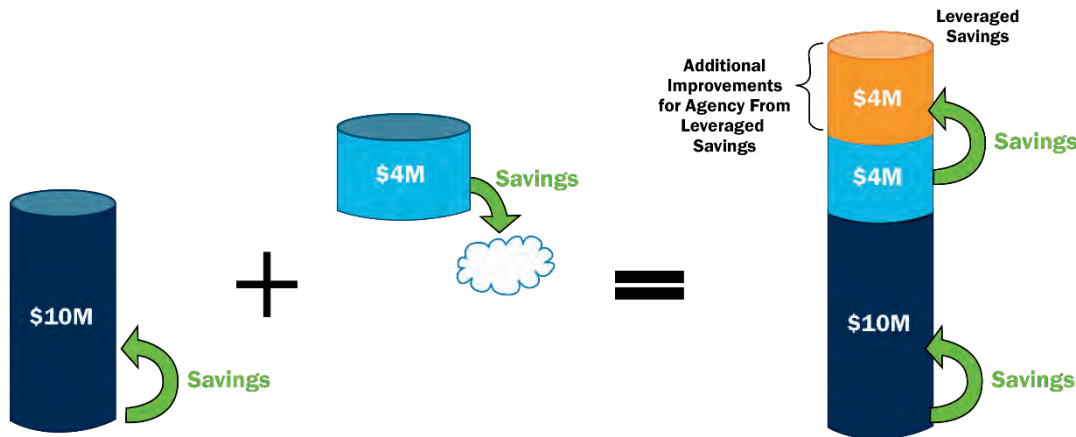
By Keith L. Krug, CEM Energy Services, and Charles H. Nesbitt, Jr. Director of Local Government Services, Wendel Companies

Nothing is more challenging than facing aging infrastructure, rising costs, and fixed budgets. At the end of the day, there's only so much that can be done, but there are options for completing projects that can allow you to address capital needs while producing long-term, repeatable budgetary relief. Believe it or not, it is possible do more with less, but only if you spend your money wisely. Through a holistic approach to master planning, you can evaluate the individual capital projects that you need to complete

to optimize your facilities' operations using money that is already in your budget. An important step is to evaluate and identify the needed improvements that threaten to erode your ability to deliver necessary services and turn them into opportunities to increase efficiency and optimize operations. Detailed analysis quantifies energy and operational savings over the debt repayment schedule as well as the useful life of the new equipment allowing you to make and execute customized holistic plans developed specifically for your situation.

But how does this work in practice? With the enactment of the American Rescue Plan Act (ARPA), historic levels of federal funding are being made available to communities like yours. This historic opportunity can be leveraged to help complete current projects, but if you take this holistic approach to evaluating your needs, it might be able to help you complete a comprehensive package of projects that will compound the amount of savings you'll attain in the long run, which will help stretch your budget while upgrading your infrastructure. Everyone has heard the adage that you need to spend money to make money, but how does a town spend money to save money? There are a lot of options for projects that can have an impact on operational cost savings, but in our experience, updates to streetlighting and wastewater management are both great places to start.

Case Example: Town of Grand Island, Grand Island, NY



The Town of Grand Island retained Wendel to identify and evaluate opportunities to increase water/sewer revenues and reduce energy and operational costs. As part of this project, we also improved the accuracy of water meters and reduced electric and natural gas consumption. Facility and infrastructure upgrades included town-wide water meter replacements and an automated meter reading system, process equipment upgrades in the water treatment and wastewater treatment plant, lighting upgrades, and town hall window replacements. The town experienced a revenue enhancement and operational savings of \$462,893 as the result

| | | |
|---|---|---|
| Energy & Operational Performance Project | Direct-Funded Projects | Energy & Operational Savings Combined with Direct-Funded Projects |
| Funded through savings generated by project | Reduce additional utility & operational costs over the lifecycle of the upgrades. | Allows savings from the funded projects to be capitalized to install additional improvements. |



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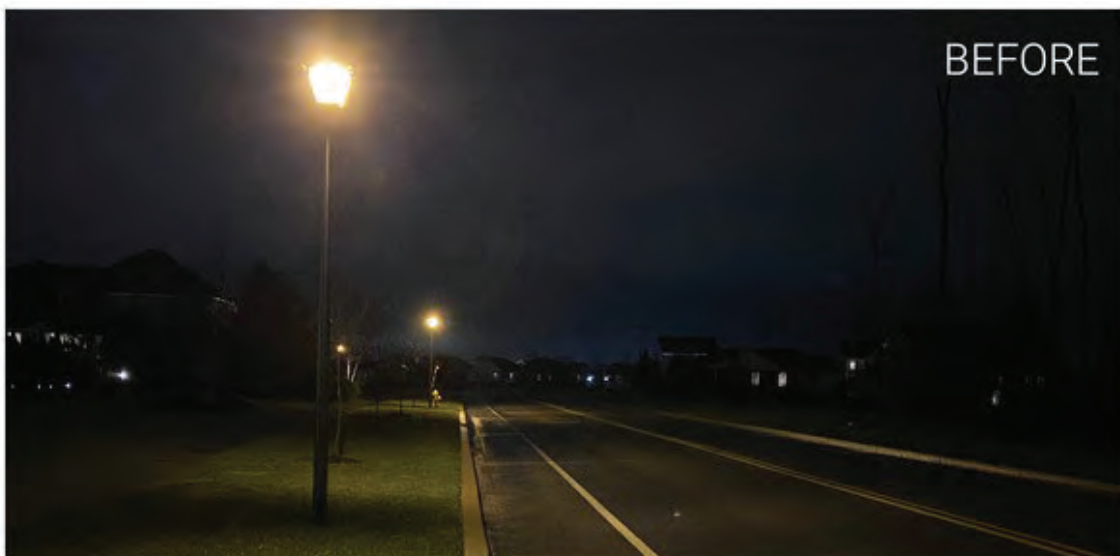
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of the turn-key project. The Town of Grand Island also undertook an LED streetlighting conversion project that just is transitioning from the completed design phase and will begin construction in the fall of this year. This project will further reduce current utility costs by a net savings of over \$250,000 per year.

Case Example: Town of Lancaster, Lancaster, NY

In 2020, Lancaster began an LED streetlighting project under a guaranteed energy savings contract that included the replacement of 2,650 streetlights to new LED luminaires. Following a comprehensive assessment that included a GIS audit, the next phase of the project was to appropriately evaluate and select specific fixtures that met the town's preferences and industry lighting standards by the Illuminating Engineering Society. Design activities included photometric roadway lighting models in AGi32 software by professional lighting design engineers.

Lancaster officials realized that leasing their streetlights from the utility company can be very costly. By buying the lights back and improving their efficiency, the town was able to save a significant amount of money. The town used outside firms to secure project management and technical assistance to guide the town through the local utility's street lighting purchase agreement (buyback process) in accordance



with New York State Public Service Commission regulations and utility company tariffs. The Town of Lancaster implemented this project through a Guaranteed Energy Savings Performance Contract, which included the benefits of full cost transparency, competitive installation pricing, and a project that was managed and designed by industry professionals. Overall cost for the project was \$2.7 million, with net financial savings of over \$3 million over the next 25 years. Rebates from NYSEG, valued at \$88,150, offset the purchase of new energy efficient fixtures and reduce project implementation costs.

Conclusion

Doing more with less is possible, following the approach and examples shared above. Key infrastructure upgrades and a holistic approach to projects can lead to significant annual cost savings. An analysis can determine which areas would most benefit from an upgrade, and new sources of funding can help stretch your budget to compound on the amount of savings that you can expect to see after those upgrades are made. For municipalities, taking a unique approach to address infrastructure challenges, in many cases can yield surprising results. □



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Localities Can Triage Projects with Asset Management Planning to Avoid Emergencies

An AMP, developed with the assistance of existing GIS technology, can greatly reduce emergency repairs and keep business flowing as planned

Your town relies on a network of inter-related assets. The local roads, water and wastewater systems, storm sewer networks, public buildings, parks, trails, and many more essential components help your community run smoothly, improve the quality of life, and even thrive economically. But these assets also experience daily wear and tear, necessitating regular maintenance, or in some cases, complete replacement. As elected officials and government administrators, it is your responsibility to keep the town's assets in working order within limited budgets and bonding capacities.

Maybe you have a good idea of what condition some of these assets are in, but how do you effectively communicate that knowledge to others? How do you prioritize which assets to spend money on this year versus next? Which asset is closest to failure? How seriously would the failure of each asset impact your community? How much would it cost to repair or replace any given asset?

With an asset management plan (AMP), you can answer all of

these questions with confidence, justify how annual budgets are spent, and save money. Communities with an AMP are often viewed more favorably by state and federal departments that lend and grant money for infrastructure.

What follows is a list of some of the most important questions and answers surrounding the subject — so that we can demystify the topic of AMPs, debunk myths about their complexity, and prepare town supervisors and boards to talk about them with community leadership.

What is asset management planning?

Kevin Feuka, PE, project manager in C2AE's Canton New York office, describes municipal asset management planning as basically compiling key information and conditional assessment data of a community's infrastructure (assets), determining the prioritization and estimated cost of each asset's maintenance or replacement, and developing a strategic, long-term plan to implement and fund these critical systems.

Imagine a section of water main collapses under a roadway in your town. What would it cost you to repair it immediately? History has shown that emergency repairs cost three to five times more than planned

repairs. Additionally, how would the businesses in this area be impacted through the repair process? How would vehicular traffic patterns be disrupted during construction? The collective impact is always much greater than the actual cost of the utility repair.

Now, imagine you already knew the water main was nearing the end of its useful life. Because you developed and maintained an AMP, you have already budgeted for a replacement project to take place before a catastrophic failure occurs. In addition, you can improve the roadway at the same time you work on the utility, perhaps relieving traffic congestion or creating a more pedestrian-friendly environment. These types of alterations increase the attractiveness of the thoroughfare to potential new businesses. The investment you make in developing your AMP is



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Why should communities be thinking about AMPs right now?

It only makes sense that various federal, state, and local funding agencies in New York and across the country have begun to require or give preference to municipalities that have proper planning in place to ensure that grant or loan dollars will be put to good use. As an example, the New York State Department of Environmental Conservation (NYSDEC) developed a guideline (Municipal Sewage System Asset Management) to assist New York municipalities in developing an AMP to better understand the short- and long-term needs of sewage systems.

Several regulatory agencies across the country have already begun to place AMP requirements in drinking water and clean water permits. While New York has not yet instituted requirements across all permits, communities that have AMPs will be in a better position to respond to the demands.

“Our clients have found that AMPs provide essential background information and often lead to repetitive funding awards because the agencies have an increased level of confidence in the overall direction and long-term success of the municipality’s plan,” says C2AE Project Manager Ian Yerdon, PE.

Funding agencies also understand the principle of the economic development cycle: place needs business, business needs talent, and talent wants place. In other words, equipping your “place,” or community, with quality infrastructure and amenities that residents need and desire will ultimately attract talent and businesses. Over time, this will result in growth of the local and regional economy.

The advancement of geographic information system (GIS) software

over the past couple of years has resulted in simpler and more cost-effective asset management planning, so it is now more advantageous than ever to take advantage of an AMP.

How can GIS take AMPs one step further?

The use of GIS has numerous benefits that touch a wide spectrum of users, from managers and operators of various systems to the residents and visitors that utilize them. These systems can keep track of hundreds of thousands of pieces of data required to effectively deliver the diverse services to town residents. They can assist your town in transferring decades of system knowledge from a seasoned operator ready to retire to a new hire. GIS technology provides the tools to collect, organize, manage, and analyze data about any type of asset with visual simplicity.

By integrating GIS tools into your new or existing AMP, you gain several high-tech features. You can, for example, access your AMP through an interactive application on your smartphone, tablet, or computer. A system operator can access critical equipment manuals

while in the field making a repair. In addition, GIS offers digital storytelling maps complete with spatial analytics to serve as a strong visual for any presentation you may deliver to town decision-makers.

Can my town afford to develop an AMP with GIS?

Asset management planning is all about being proactive rather than reactive. Roger Marks, PE, client services leader of C2AE states, “What we’re working to do is collect everything that the client has, in terms of their data about their facilities, and help them put in information about their priority and their condition so any time that something is done, it goes back into the records. Rather than leaving that in one person’s brain, all that’s at their fingertips in a way that’s accessible. Because prioritizing what they’re spending their money on is actually — in the long term — the least costly solution and keeps the entire system in its best condition possible.”

Notably, asset management planning can also be scaled to your community’s needs and resources. While the number of different



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Supervisors and Town Boards

Utility Moratorium Update – State Disaster Emergency Expiration Impacts • Cooperative Purchasing Solution to Accomplish Your Construction Needs •

Justice Courts

One for the Birds

Highways

Summer Training with CLRP

Supervisors and Town Boards

Utility Moratorium Update – State Disaster Emergency Expiration Impacts

Note – guidance from the state regarding this issue should be forthcoming. Until then, the Association of Towns offers the below analysis. Please consult with your municipal attorney for a final determination

As you are likely aware, for the first time since its March 7, 2020 enactment, the COVID-19 State of Emergency was not extended by the governor and expired on June 24, 2021.

As a result, the various executive orders that the governor has issued in furtherance of the COVID-19 State of Emergency also expired on June 24th, including, for example, of particular interest to AOT members, the authority to hold virtual meetings and the authority to offer remote notary services. AOT will be providing further information as it becomes available or is necessary.

CDC Mask guidance will remain in effect.

For questions or more information pertaining to the state of emergency expiration, AOT members may call our offices to speak with one of our attorneys during business hours.

Utility Moratorium. Chapter 106 of the Laws of 2021 prohibited the termination of utilities and the imposition of penalties or relieves of delinquent utility costs for the duration of the state disaster emergency or December 31, 2021 – whichever occurred earlier. Chapter 106 also imposed notice

requirements on municipal utility providers and required utilities to file an implementation plan with the state. On June 23, 2021, Governor Cuomo ended the state disaster emergency that was declared by Executive Order 202 on March 7, 2020, with the termination effective on June 24, 2021.

Penalties

The end of the state disaster emergency on June 24, 2021 ended the prohibition on penalties for delinquent payments. That is, any customer that is not in a deferred payment agreement is now subject to penalties. If the customer was not in a deferred payment agreement, penalties could not be imposed on their account between May 11, 2021 (the effective date of Chapter 106) and June 24, 2021 (the end of the state disaster emergency). If the customer is in a deferred payment agreement, the terms of the agreement still apply.

Termination of Service

Customers are entitled to protections for 180 days from the end of the state disaster emergency, which is December 21, 2021. The town / utility is prohibited from terminating service for any customer in a deferred payment agreement. If the town is seeking to terminate service for non-payment during this 180-day timeframe for those customers not in a deferred payment agreement, the town is required to send 30 days' notice of the intent to terminate the service and of the option to enter into a deferred payment plan. The town can then terminate the service after the 30-day notice has elapsed.

Relevy of Delinquent Charges

If your town relevies delinquent utility charges, the same principle that applies to termination of service applies to the relevy. That is, customers are protected from delinquencies being relevied until December 21, 2021. If the town typically relevies after this date, no action is needed. If the town wants to relevy prior to this date, 30 days' notice of the intent to relevy must be provided. Customers in a deferred payment agreement are not subject to any relevies.

Implementation Plan

It is unclear whether localities still need to file an implementation plan.

If you have any additional questions please contact Katie Hodgdon at khodgdon@nytowns.org ☐

Cooperative Purchasing Solution to Accomplish Your Construction Needs

As a Sourcewell member, the Town of Cicero recently partnered with a local Design-Build firm to complete a construction project. The project was listed for competitive bid and received just two bids in response, both well over the town's budget. In the traditional scenario, the town would have had to make a decision to either abandon the project, or go back to the drawing board attempting to reduce the scope in hopes that the next round of bidding would come in under budget. The Sourcewell opportunity was presented to the town, and very quickly they were able to negotiate a scope of work and a design that met the town's needs and kept the project within the original budget. This also saved the added expense and time that would have been incurred if the project had to be re-designed and re-bid. Many private sector entities have benefitted from the streamlined approach of Design-Build construction and the value of a solid relationship built on trust and understanding, and now public sector project owners have an opportunity to do the same.

Sourcewell, a leading cooperative purchasing agency streamlines the procurement process for government agencies, municipalities, educational institutions, and nonprofits. It develops RFPs for national, competitive solicitations that meet or exceed local requirements. On behalf of its members, the vetting process is rigorous, and once a contract has been awarded to

a supplier, the competitive bid process has been satisfied. This allows members to work with a vetted supplier without having to conduct their own RFP and bidding process. Finally, the project is still managed and executed by a trusted local general contractor and highly qualified subcontractors, eliminating the uncertainty of the "low bidder" that these agencies are often forced to work with. Instead of working at odds with one another, all of the parties are now able to work collectively, as a team, to achieve the goals of the project. ☐

Justice Courts**One for the Birds**

In *GSKP LLC v. Lee*, 2021 NY Slip Op 50467, a NYC civil court decided an issue based upon law and facts that can be equally applicable to our town and village courts. The issue of whether or not a tenant's actions constituted a nuisance was addressed.

This matter was commenced as a nuisance holdover proceeding seeking possession of the underling premises. The Notice of Petition and Petition alleged that the term for which the premises were rented expired. According to the Thirty Day Notice of Termination ("Notice") respondent was alleged to have committed or permitted a nuisance at the premises or maliciously or by reason of gross negligence substantially damaged the building. The Notice alleged that tenant's conduct substantially interfered with the comfort and safety of Landlord or other occupants of the building and/or adjacent structures due to her feeding pigeons from her fire escape in front of the building and/or windowsill which caused bird feed and fecal matter to fall from the fire escape onto the street in front of the building and onto the customers of a retail clothing store occupying the first floor of the building. The Notice further alleged that other residents had complained of the presence of bird feed and fecal matter which presents a health hazard and as a result of tenant's feeding the birds, the mortar at the building had been damaged.

In this instant matter a registered sanitarian testified who had a certificate in Wildlife Fisheries and Forest Conservation (1965), an A.A.S. in Agricultural Production (1962), a B.S.A. in Agriculture (1964), an M.P.H in Public Health (1974) and a PH.D. in

Environmental Health and Epidemiology (1978). He was also an expert in pigeons. His testimony testified that he visited the building once, long after respondent had stopped feeding the pigeons, and that he reviewed dozens of videos and photographs. Based upon his observations, he concluded that the conditions seen in the videos and photographs were “typical of a feeding area...typical of a flock.” He noted roosting sites at the building although, as stated above, there were no active nests when he visited the building. He further opined that pigeons are creatures of habit and if there is no food, they usually stay around for a week or two and then leave. That pigeons as “opportunists” and stated that when one pigeon finds a food source, other pigeons will come. Also that when pigeons are present, there is a build-up of debris, which when dry, can be airborne and carry fungal and/or a bacterial disease. Also that pigeon feathers are notorious for clogging drains. According to the expert the tenant put other occupants of the building at risk because when feces pile up next to an air in-take, disease can be introduced and according to the New York City Department of Health website, pigeon droppings cause human diseases such as histoplasmosis, cryptococcosis and psittacosis. He concluded that tenant’s conduct in feeding the birds was a direct nuisance and risk but did not know if feeding pigeons was a violation of any New York rule or regulation. The expert admitted that he did not know how many pigeons were at the premises, was only hired two weeks prior to trial, and his one visit to the building was on the morning of his testimony when no pigeons were present, the area was clean, and there were no roosting sites on the building or any neighboring building and there was no infestation. No testing was done for the presence of fungus or bacteria. According to his testimony it appeared there were no pigeons until tenant put out food. He also testified according to the some photographs and video that the pigeons were roosting on the grey building to the left of the subject premises.

The tenant was the only witness to testify on her behalf. She is 68 years old and has lived at the premises for 43 years, since 1978 and admitted she fed pigeons from the premises. She started by feeding doves and sometimes pigeons also came to the window. Respondent alleged she would feed the pigeons when she saw the doves, sometimes

every day and sometimes multiple times a day. She testified that she prayed for the birds of the city and was saddened by the way the City handled its wildlife. She further stated that she tried to “do her part” by putting soaked grains out in small pots and food with moisture on the windowsill. She also testified there was never an objection to her feeding the birds in the rear of the building since no one was in the back and she believed there was never a complaint. She denied knowing she could not feed birds in the back of the building. Respondent testified she respects God’s creatures. According to the tenant her landlady was the only person to complain and tenant believed that she wanted to evict her. The tenant said she fed the birds because New York City is hostile to wildlife, that she was a “good steward of help” with “Christian ethos” as well as an animal activist. Despite her beliefs, she testified that she stopped feeding the birds after receipt of the Notice because it adversely affected keeping her home and put her, a senior citizen, at risk for being alone, homeless and without a place to go. She still fed birds in the neighborhood. She also testified that when she fed the birds at the premises she did not let them in because she is a cat owner. She testified that if she did rescue a bird, she would bring it to animal welfare.

The court reasoned that case law has defined nuisance as a “recurring or continuing pattern of objectionable conduct by a tenant that threatens the comfort and safety of others in the building.” *Roxborough Apts. Corp. v. Kalish*, 22 Misc3d 130(A), *1, 880 NYS2d 8876, (App. Term 1st Dept. 2009). The Court of Appeals has specifically held that not every annoyance will rise to the level of a nuisance, *Domen Holding Co v. Aranovich*, 1 NY3d 117, 124, 769 NYS2d 785, 802 NE2d 135 (Ct. Appeals 2003) and in order to prevail on a cause of action for nuisance, the plaintiff must establish a “pattern of continuity or recurrence of objectionable conduct which interfered with a person’s interest in the use and enjoyment of land.” See *Domen Holding Co*, supra. Furthermore, to constitute a cause of action for nuisance, it is imperative that the conduct affect other residents in the building. In the *Matter of Sumeti Associates v. Rany Irizarry*, 103 AD3d 653, 959 NYS2d 254 (App. Div 2nd Dept 2013). Hypothetical impacts do not rise to the level of nuisance. *Warren LLC v. Daza*, 938 YS2d 230 (App. Term 2nd Dept 2010). Lastly, the

threat posed by the nuisance must be imminent, not theoretical, *Rubin v. Glasner*, 2002 NY Misc. Lexis 2905 (Civ Ct. NY County) and the court must weigh the quantitative and qualitative aspects under each specific set of circumstances. *Timston Corp. v. Kienzle*, 2019 NYLJ Lexis 2645, *12 (Civ Ct. NY County).

The court reasoned that the landlord failed to present testimonial or documentary evidence that established that tenant's conduct interfered with the substantial use and enjoyment of the property by other residents. See *In the Matter of Sumeti Associates*, supra. The court distinguished its decision in *Joyce Properties, Inc. v. Rubi*, 52 Misc2d 360, 826, 277 NYS2d 18, 20 (Civ. Ct. NY 1967) aff'd 54 Misc2d 360, 282 NYS2d 66 (App. Term 2nd Dept. 1967). In *Joyce Properties*, supra., where the court found a nuisance existed, the tenant fed the birds 23-30 pounds of food a day and harbored pigeons in his apartment. Unlike the instant proceeding, in *Joyce Properties*, supra., the police and health department made many visits to the apartment to induce the tenant to stop feeding the pigeons and a tenant in the adjacent apartment testified the feeding of the pigeons took place at least four or five times a day and the noise prevented her from sleeping. The tenant also testified that there were offensive odors attributable to the pigeons. In *Joyce Properties*, supra., the police testified the tenant's apartment was filthy and constituted an "intolerable living condition" including pigeons living in the apartment, feeding bowls for the pigeons and one pigeon was even called by name. In contrast to *Joyce Properties*, supra., in this proceeding there was no testimony from any other residential, commercial or neighboring tenant which alleged that respondent's conduct substantially interfered with their use of their apartments or building. In *In the Matter of Sumeti Associates v. Rany Irizarry*, 103 AD3d 653, 959 NYS2d 254 (App. Div 2nd Dept 2013). Although the expert testified that when feces piles up next to an air in-take, disease can be introduced and according to the New York City Department of Health website, pigeon droppings cause human diseases such as histoplasmosis, cryptococcosis and psittacosis and therefore concluded tenant's conduct was a direct nuisance. The court went on to note that

the Landlord failed to offer test results to prove the presence of bacterial or fungal disease in the bird droppings. The expert merely supplied scientific and medical evidence which indicated that pigeons are known to carry some diseases and as stated above, hypothetical impacts cannot rise to the level of nuisance, *Warren LLC v. Daza*, 938 YS2d 230 (App. Term 2nd Dept 2010). Further, during the one and only time the expert visited the premises there was no evidence of any bird feeding or disease as a result of the pigeon droppings. The court further noted that there was no documentary evidence to prove the dates, times and extent of the alleged damage caused by respondent. Landlord failed to submit any documentary evidence as the cost of repairing the damage nor did Landlord have a contractor or other individual testify as to the work needed to cure the alleged damage.

This court concludes that this proceeding is akin to *RSP UAP-2 Property, LLC v. Zarka*, 49 Misc3d 1219(A), 28 NYS3d 650 (Civ Ct NY County 2015) wherein it distinguished *RSP*, supra. from *Joyce Properties*, supra. and held that pigeons are not inherently dangerous. That court found it relevant that there was no expert testimony which stated the tenant's conduct in feeding pigeons was a violation of law, there were no violations placed at the premises by a government agency and there was no testimony from other residents about the negative impact that respondent's conduct caused them. Accordingly it was held that respondent's conduct in feeding the pigeons did not constitute a nuisance and dismissed the petition. The same factual statements exist in the case at bar.

This court found that tenant's alleged conduct does not rise to the level of a nuisance. It reached its conclusion by weighing the quantitative and qualitative aspects under the circumstances in the case at bar, *Timston Corp. v. Kienzle*, supra., this court must balance the equities herein. This court looks to the fact that respondent is a senior citizen who has resided in the premises since 1978 combined with the lack of evidentiary evidence as to how respondent's conduct impacted other residents and the lack of evidence as to the damages combined with the undisputed testimony that respondent has

not for a considerable period of time been feeding the birds. ☐

Highways

Summer Training with CLRP

July 20, 9:00am - 10:00am: It is Never too late to Start a Budget

Developing your budget has never been more important. Join Tim as he covers the basics of developing a budget and how to be ready to present our budget to the board.

Instructor: Tim Hunt

Tim has been both a Town Highway Superintendent and a Town Board member in Cazenovia. His over 15 years of direct governmental experience serves CLRP and its students well. Cazenovia in Madison County is a moderate sized town with just over 7,000 people and is the home to Cazenovia College.

To register: https://cornell.zoom.us/webinar/register/WN_RZbglx8AQEuQAK0PdKHb0A

July 27, 9:00am - 10:00am: Intermunicipal Agreements & Shared Services

To register: https://cornell.zoom.us/webinar/register/WN_KRxPWzC4Q9Se_oVzZtXsA

August 3, 9:00am - 10:00am: Off the Rails: Safety along the Roadside (PDH)

Instructor: NYSLTAP-CLRP Director David Orr, P.E.

To improve driver safety, many agencies turn to guiderail. During this webinar, David will discuss steps that should be reviewed prior to installing rail, how rail works, and the basics of a proper roadside barrier.

To register: https://cornell.zoom.us/webinar/register/WN_2KAYEBN6R16Gkmr1RPAQbg

August 10, 9:00am - 10:00am: Federal Aid Projects (PDH)

Instructor: NYSLTAP-CLRP Director David Orr, P.E.

Agencies that get federal aid are sometimes blindsided by the requirements in the federal process. There are certain critical steps needed to

make a federal aid construction contract work. In this one-hour webinar, David will give you some of the basics and help you understand and start on the journey to successful project using federal dollars.

To register: https://cornell.zoom.us/webinar/register/WN_fi_w9gN2S0-MGyyZpZ4siQ

August 17, 9:00am - 10:00am: Erosion: soils, slopes, mitigation and maintenance

Instructor: NYSLTAP-CLRP Technical Assistance Engineer Geoff Scott, P.E.

Erosion is costly to the environment and to the bottom line. In this session Geoff will discuss erosion issues and ways to mitigate and maintain surfaces prone to erosion.

To register: https://cornell.zoom.us/webinar/register/WN_iieXLvHRNWTGbg4OLSNFQ

August 31, 9:00am - 10:00am: Snow and Ice Control Chemicals

High quality snow and ice control works best with an understanding of the materials used to provide winter maintenance. In this session Jim will discuss the various chemicals and how they can be used solid, liquid, and pre-wetted forms.

Instructor: Jim Crow

James "Jim" Crow has been on the forefront of snow and ice control innovation for over 36 years. His experiences include 20 years with the Town of Manlius and over 16 years with the Villages of Fayetteville and Manlius. He has helped many other highway agencies develop snow and ice control plans and has spoken at the Highway School in Ithaca and the NYCOM Public Works School many times on snow and ice control issues.

To register: https://cornell.zoom.us/webinar/register/WN_O8rX5Tw8QKysEhOGXUQW0w

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assets you can track is practically limitless, you can choose to track only specific datasets based on what matters most to your town, such as the location, diameter, and condition of certain pipes. Starting small will lower up-front costs associated with data collection. Later, if you decide to start tracking more information, GIS tools will allow you to scale up efficiently.

How have other communities implemented asset management planning effectively?

Most communities have developed an AMP that utilizes existing county GIS and aerial photography information and expanded it over time, which allows them to allocate a smaller amount of their annual operating budget to fund the effort. Town staff can assist to increase the accuracy and completeness of GIS information using a handheld GPS unit to locate system components and improve the mapping and tracking

of each utility or asset. There are multiple other ways a community can leverage its existing resources and current processes to assist in the collection of asset information, which helps reduce the overall cost of the AMP. As an example, communities that own and operate a sanitary sewer system are required to clean a portion of their system every year as part of a maintenance program. During the cleaning process, the sewers can also be televised with a remote camera that will collect the necessary information to assess the condition of each pipe.

A variety of dashboards have been developed to pull information from AMP/GIS databases. These dashboards have proven to be an effective communication tool for municipal leaders interacting with system users and the general public to describe various project needs and how the utility user fees or taxes will help pay for improvements. This engagement of system users early in the project

development process is key to gaining buy-in.

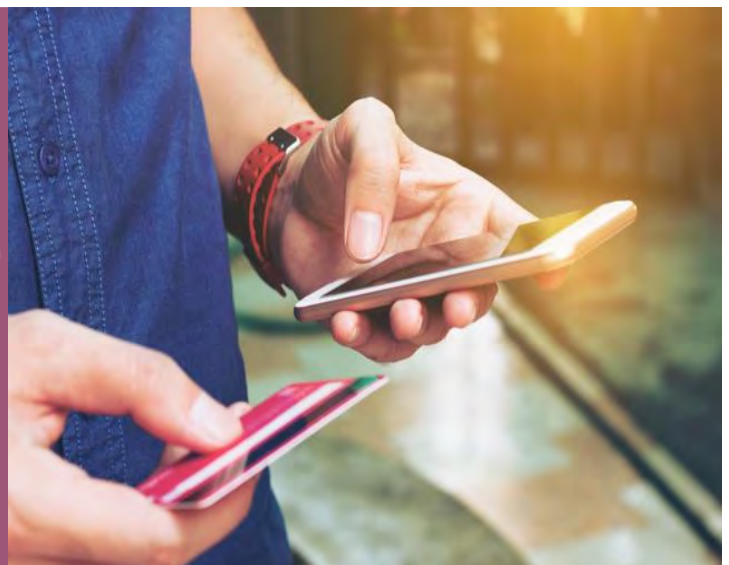
Often, other municipal departments tap into the base AMP/GIS framework to help track other important assets. We have had communities compile asset information on trail systems, tree species, sidewalk conditions, cemetery lot locations, park components, and much more. Smart maps can be developed and displayed easily on a website to help users locate and better understand what assets are present at a particular park, for example.

Would you like to greatly reduce or avoid the high cost of emergency repairs or have a better understanding of what it will take to maintain your town's assets? The development of an effective AMP can help your community determine which assets are most critical to repair or upgrade over the next 10 to 20 years and identify the required funding sources to achieve success. □

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Frequently Asked

Justice Court Consolidation

There are three main ways a town can alter the general structure of its justice courts, each with their own pros and cons; for example, one requires a referendum while another requires state legislation. It's up to the town to decide what works best, but the three options available are as follows: 1. Consolidate justice courts with another town (or towns) in the same county so that there is one justice court (with a justice elected from each town) serving all towns involved; 2. Reduce the number of justices in a town from two to one; or 3. Have one justice preside over two or more courts. Another option

is to enter into an intermunicipal agreement with another contiguous town in the same county to share court facilities (see UJCA §106 [1]); however, this would not change the structure of the justice court system and operations, so it's not included in the list outlining consolidating or reducing justices.

Option 1: Consolidate your justice court with another town.

Under Uniform Justice Court Act § 106-a, two or more contiguous towns in the same county can consolidate their courts so that one court covers both towns, with each town involved having a

justice elected from their area. The process to consolidate can either be started by the town board's own initiative, or residents can file a petition. Under the town board-initiated process, it starts with the town board adopting a resolution to reduce the number of town justices in the town and consolidate the court. This resolution then gets filed with the town clerk, and we recommend coordinating the timing of these resolutions because there will need to be a joint public hearing. If the process is started by petition, it must be signed by at least 20 percent of the registered voters in each town involved.

Within 30 days of the resolution or petition being filed, each town clerk must publish notice in the town's official newspaper providing information on a joint public hearing with all the towns in the proposed consolidation participating. The hearing must be held at least 20 days after the noticed is published but no later



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New York State Department of Civil Service, Employee Benefits Division

than 40 days. At the joint public hearing, the town boards of all the towns involved should select one person to preside over the hearing and get input from the public on the proposed consolidation. Within 60 days of the joint hearing, the towns involved must adopt another resolution either approving or vetoing the original resolution calling for the consolidation. If one town vetoes the proposal, the entire process ends; thus, if three towns are looking to consolidate but one town vetoes the proposal, the remaining two towns will have to start over. If all towns are on board with the consolidation, they must adopt a joint resolution specifying that: 1. One justice position in each participating town is abolished and identifying the justice positions to be abolished and which ones will continue; 2. The remaining justices have jurisdiction in each participating town; and 3. At least one town justice will be elected every two years, except the terms should be set up so the number of terms expiring in one year can only be, at most, one more than the number of terms expiring in the next year. *In other words, you don't want all the justice terms expiring at the same time.* The joint resolution will then be submitted to the electors of each town at the next general election that occurs more than 60 days after the joint resolution is approved by the town boards. A practical yet somewhat obvious tip: don't approve the joint resolution in October. If the proposition to consolidate passes, the plan to establish a single town court will be implemented as outlined in the joint resolution.

Option 2: Reduce the number of justices in your town.

Under Town Law § 60-a(2), the town board can adopt a resolution subject to a permissive referendum under Article 7 of Town Law reducing the number of justices in the town. Regardless of whether there is a referendum, the resolution would take effect at the end of the

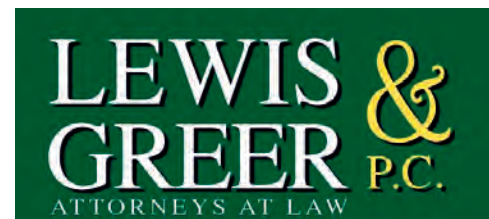
outgoing justice's term (see 1978 N.Y. Op. Atty. Gen. [Inf.] 153, cf. NY Const. Article 6, § 17[d]).

Option 3: Have a justice preside over two or more courts.

Under Uniform Justice Court Act § 106-b, two or more towns in the same county can have one judge preside over two or more courts. This process starts by having two or more towns adopt a resolution authorizing a joint study on having one justice presiding over multiple courts. The resolution must be filed in each town clerk's office, and the study cannot start until at least two towns have the resolution filed. Within 30 days of the study being completed, each participating town must publish notice that the study is done, and provide a time/place/date for a public hearing. Please note that this is not a joint hearing; each town must conduct its own hearing. Furthermore, the hearing must be held between 20 and 30 days after the notice is published. Within 60 days of the last public hearing, each town must determine if it will participate in a joint plan to elect a single justice. If two or more towns fail to adopt the joint plan, the entire process ends. But if two or more towns adopt the joint plan, then those towns must adopt

a joint resolution that provides for: 1. the election of one or more town justices to preside in the town courts of the participating towns; 2. the abolition of the existing town justice office in each town; and 3. that the election of the new shared town justice (or justices) will occur at the next general election and every four years thereafter. After the joint resolution is adopted, the towns must forward it to the state legislator for approval. The resolution and plan will not go into effect until the state legislator enacts the joint resolution into law. □

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Upgrading to LED Street Lighting has never been easier or more cost-effective. Here's how NYPA can help.



LED street lighting is one of the most important upgrades you can make in your community. A street light upgrade saves money year over year, and also demonstrates to your community that you are doing something that creates a visible improvement in their lives.

The New York Power Authority (NYPA) can help you upgrade your street lights through the Smart Street Lighting NY (nypa.gov/streetlights) program. Through this program, we simplify the process of upgrading to energy-efficient LEDs, with turnkey installation plus low-cost maintenance service.

The benefits of upgrading to Smart LEDs include:

1. Cost Savings

A major benefit to upgrading your community's street lights to Smart LEDs is the significant cost savings. Typically, LED lighting uses less than half the energy of older fixtures—resulting in up to 50% in energy savings. Lower energy costs—together with your reduced operating costs—mean that you can save up to 70% on your budget. With government budgets needing to make productive use of every tax dollar, the money saved on lighting costs can be used for other public works or service initiatives.

NYPA's street lighting maintenance service is one of the lowest-priced plans in the market, and is a great way to manage your ongoing maintenance reliably, efficiently,

and effectively. Maintenance can be added onto NYPA's turnkey service, and offers a seamless transition from the construction phase of your project to the on-going operations phase.

Best of all, from a cash flow perspective, there are two advantages. Through NYPA's Smart Street Lighting NY program a) We structure the financing so you have no upfront costs, and b) We structure your payments to come out of your existing operating budget. This means that your operating budget will reflect the 50% to 70% savings, and there's no need to dip into capital funds.

2. Visible Improvements to Your Community

When you run a municipality, your residents', workers', and visitors' safety is paramount. LED lighting serves as a valuable public safety tool, enabling community members to see better at night, regardless of whether they are behind the wheel or on foot. Upgrading to LED lighting has even been shown to reduce crime thanks to the improved visibility, clarity of light, and even light distribution.

When you work with NYPA for LED lighting, you get embedded technology. Our remote monitoring services send notifications about failed or downed street lights—and if you add our maintenance plan, you can have lights fixed promptly and not leave members of your community in the dark.

3. End-to-End Solution

With Smart Street Lighting NY, NYPA acts as your trusted partner, providing cost-benefit analysis, scoping and design, procurement, and financing strategy. Customers can expect a competitively-priced installation, financing options tailored to your community's specific needs, and one of the best maintenance programs in the market.

As an example, in partnering with the historic Town of Southampton, the oldest English settlement in the state, NYPA designed an LED lighting solution meeting the town's requirements to install lighting compatible with its historic areas. The 2,700 fixture project is expected to deliver annual energy savings of approximately \$160,000 and an estimated annual savings in

maintenance costs of \$40,000. That's significant savings for a town of almost 60,000 residents.

4. Upgraded Technology

With NYPA's Smart Street Lighting NY program, you get cutting edge technology that enables you to monitor your street lights remotely. This means you can dim or otherwise manage your street lights without having to travel on-site. Plus, embedded sensors can lead to safer streets.

Upgrading to LED street lighting through NYPA enables your community to own an important technological asset. Owning your equipment enables you to modify it or make changes to it as you see fit. For example, you can add sensors used to support the Smart Cities initiatives: to improve public safety through technology.

Interested in learning more about how NYPA's Smart Street Lighting NY program can improve your community's street lighting while reducing energy costs? We're here to help. Contact NYPA to learn more about how we can help you convert to LED and more effectively manage your street lighting system.

And keep in mind that Smart Street Lighting NY is just one of NYPA's many services. NYPA has a full suite of comprehensive clean energy and energy efficiency services and solutions.*

You'll enjoy greater quality of light while likely paying less for your annual street lighting bill.

Contact Us

Kevin Luteran

Program Manager: Smart Street Lighting NY

Kevin.Luteran@NYPA.gov

nypa.gov/streetlights

**Smart Street Lighting NY is just one of many clean energy solutions offered by the New York Power Authority (NYPA). From energy efficiency services and implementation to solar, energy storage, EV infrastructure and digital energy management—NYPA provides turnkey solutions and advisory services for all your energy and sustainability needs. Through these services and our power programs, NYPA's experts help you achieve your energy goals and save money.*

NYPA supports Governor Cuomo's Climate Leadership and Community Protection Act (CLCPA), bringing organizations the know-how, experience and innovation to create a clean, economically vibrant New York. Learn more at nypa.gov/services.

Why Battery Backup Is the Future of Smart Traffic Systems

No matter the cause, a power outage at a busy intersection creates immediate and significant problems for any town. To keep traffic systems functioning, even during power losses, the towns of Amherst and Lancaster each recently launched their first traffic battery power backup system pilot programs at major crossings to support their smart traffic systems. Both towns installed the Volta FAVEO Traffic System, an intersection backup power solution made by Viridi Parente, Inc.

Faced with increasing demands on local electric grids and increasing weather events, Amherst Supervisor Brian Kulpa said town officials are continually looking for cost-effective and sustainable solutions to meet the community's needs. As a result, they invested in a smart traffic management system to improve traffic flow at busy intersections without changing the existing infrastructure. Smart traffic systems use sensors, cameras, and cellular routers to monitor and automatically direct traffic and reduce congestion, which reduces vehicle idle time and dramatically reduces emissions. However, when power is lost, smart signals are reset and have to "re-learn" traffic patterns. The FAVEO system prevents power loss, which maintains an already-optimized system and keeps traffic flowing efficiently. In this pilot stage of its partnership with Viridi Parente, Amherst installed the system at



the corner of Maple and Flint, which typically sees almost 28,000 vehicles per day. The Town of Lancaster followed suit, installing its pilot FAVEO system at William Street and Aurora Street.

The True Cost of Traffic Signal Outages

A well-tuned traffic management system is a valuable resource in any community. First and foremost, of course, signal lights are essential in the prevention of accidents. [The NY Department of Health](#) reports that motor vehicle accidents are the leading cause of injury-related death for New York residents. New York State had approximately 447,000 traffic accidents in 2019 alone, [according to the Institute for Traffic Safety Management and Research](#), of which about 121,000 accidents involved injuries, and 881 were fatal.

"Non-functioning traffic lights are dangerous, especially at this busy intersection where we have experienced several outages," said Kulpa. "We are proud to partner with Buffalo-based Viridi Parente and its revolutionary green

technology to modernize our grid and make our roads safer for drivers. This not only optimizes public safety, but it also generates cost savings as it reduces overtime and minimizes safety concern for those that would have to direct traffic, especially at high-volume intersections."

But the prevention of accidents is just one of the problems town officials must deal with when traffic signals go down. When an outage happens, police officers must be reassigned away from other duties to direct traffic as long as the outage lasts. In some towns, police can sometimes even be tasked with fixing the generators to re-establish power. Both of these situations increase overtime and divert police resources away from their already-essential public safety work.

Another significant consequence of inefficient traffic signaling and power outages is the elevated air pollution due to increased congestion. [According to the U.S. Department of Energy](#), idling a vehicle for more than just 10 seconds burns more fuel and



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produces more emissions than turning off and restarting the engine.

Anyone who stands next to a chain of idling vehicles knows how noxious tailpipe fumes can be. Exhaust emissions contain a range of air pollutants, such as carbon monoxide, nitrogen dioxide, and various particulate matter. Transportation currently emits more air pollution than any other sector, accounting for 36 percent of New York's greenhouse gases, so reductions in vehicle idling can significantly contribute to the state's climate initiatives.

Because of its wide-ranging public health consequences, clean air is much more than a talking point or a federal mandate. Increased levels of air pollution are known to trigger several chronic health conditions, [including pulmonary disease, lung cancer, and stroke in adults](#). In children younger than 11, who typically spend a lot of time outdoors and whose lungs

Transportation currently emits more air pollution than any other sector, accounting for 36 percent of New York's greenhouse gases, so reductions in vehicle idling can significantly contribute to the state's climate initiatives.

are still developing, [motor vehicle air pollution has been shown to be associated with the development and triggering of asthma](#), which can be difficult to treat and inevitably leads to increased hospitalizations and emergency department visits, exacerbating the human and financial costs.

Mortality studies also reinforce the connection between clean air and health. For example, [researchers from Columbia University](#) compared air pollution levels and mortality rates in New York State.

In this study, the researchers calculated that the decrease in air pollution between 2002 and 2012 dropped the mortality rate for New York State residents from 8,410 premature deaths at the beginning of the study period to 2,750 deaths a decade later, a decrease of 67 percent.

The true cost of traffic signal outages reaches beyond safety and public health. Businesses located near congested intersections feel the impact in the form of lost or disgruntled customers when access

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to the business is consistently impeded by traffic.

Why Battery Is Better

The Volta FAVEO Traffic System is a fully electric, instantaneous intersection backup power system. Part of Viridi Parente's Volta Energy products, FAVEO uses safe battery technology to ensure continuous power to the traffic signals in the event of a power outage. The battery pack itself is constructed from the same materials used in similar aerospace and military applications for ruggedness and safety. The steel casing eliminates any cascading of thermal runaway associated with lithium-ion batteries and is waterproof and maintenance-free, so the packs can be safely located almost anywhere, indoors and out. Just one FAVEO pack can power all the innovative traffic technology components at an intersection and can be installed in minutes.

"Viridi Parente's technology will reduce carbon emissions by keeping traffic within the town moving efficiently and will keep drivers, pedestrians and emergency personnel safe by ensuring our traffic lights continue working no matter the weather," said Lancaster supervisor Ron Ruffino. "The Town of Lancaster plans to install FAVEO systems at another seven intersections over the next year."

Given how much it can contribute to preserving community resources, it isn't surprising how safe lithium-ion battery technology serves as an effective traffic management solution. Its use can save lives, reduce costs and increase efficiencies in essential municipal services, which is precisely what local government is all about. By maintaining power to a smart traffic system, vehicles can continue to flow safely and smoothly, police officers can remain focused on essential safety services, and everyone can breathe easier—literally. □



The Process-Changing Magic of Low-Code Software

By Katrina Lewison, Vice President and General Manager of CivicOptimize®, CivicPlus®

Low-code is a method of building applications and digital workflows in more simple and efficient ways. A process administrator who may not have in-depth knowledge or experience with back-end coding can create solutions and more customized applications in new, accessible ways previously not possible. Low-code can provide a plethora of benefits for government workers with limited resources to create flexible digital options that will directly impact how citizens can interact and communicate with their government. It's a way of leveling the playing field and giving yourself the chance to stand out with unique solutions that grow citizen engagement and ultimately make lives easier.

How Does It Work?

Think of low-code as a shortcut of sorts where you utilize the tools created by experts to skip straight to the creation process instead of getting stuck behind the learning curve of coding from the ground up and losing valuable time and resources building a complex framework.

This method requires far fewer lines of code and instead keeps the complexities and technical details in the background where they keep from becoming a



roadblock. A low-code builder does not have to know what's going on behind the scenes. Instead, they can focus on a more intuitive, common-sense method of automating processes by laying them out visually in a diagram or drag-and-drop style flow-chart of which they can build upon to create additional connections within the process.

Imagine the workflow as a bus line – eventually, the community's demands grow, and routes need to expand and connect with other hubs. Low-code will allow you to make these valuable connections between items in your process, or in other words, allow you to add additional stops on the existing

route, creating connections and widening a network of information.

With low-code software, you can build workflows utilizing templates, code snippets, and pre-built integrations—no programming experience or costly programming vendor needed.

Benefits

- **It's Faster** - Not only is it drastically faster to create and implement a low-code approach than building a program or mobile application from scratch, but it's also easier and faster to modify as you go

by updating components or changing connections between created items in your workflow.

- **Saved Time and Resources** – It is costly to start from scratch because you will potentially need to hire an in-house programmer or contractor, costing your administration time and money.
- **Wider Employee Pool** – You will have more candidates to choose from in your applicant pool because you won't need to require your system administrators to have in-depth programming knowledge
- **A More Focused and Custom Approach** – Reliance on a small pool

of existing traditional applications can end up requiring organizations to use existing systems to accomplish tasks for which they are not well-suited. It used to be the only way around this was an expensive and consuming customization process. However, low-code allows you to operate flexibly, which is important because your solution can grow with you as necessary instead of being forced to conform to the rigid established confines of existing applications.

- **Getting More Out of Existing Resources and Expertise** – Existing resources and expertise can be devoted directly toward improving

processes and creating solutions for citizens instead of being tied down with elaborate backend system maintenance.

A Head Start

Sometimes the hardest part of implementing a digital solution is getting started. It can be overwhelming when you're starting from scratch, especially when experience and knowledge are limited. Use others' work to your advantage; when it comes to the low-code approach, some low-code solutions offer pre-built templates, and these solid bases can now be built upon in intuitive ways that anyone can utilize.

Organizations often deal with trying to solve the latest problems with old solutions that may be ineffective or outdated. Getting away from the reliance on spreadsheets and databases

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that may be isolated, difficult to maintain, or provide issues with consistency, can open a whole new world of possibilities.

Value for Local Governments

Resources are limited when it comes to local government. Department staff is often forced to multi-task and stretch productivity with less time and budget. It's not always possible to hire a specialized position that can focus solely on coding and building complex tools to meet citizens' ever-changing needs, and even when it is, individuals in these roles are often taxed beyond their capacity.

Adaptability is key in finding workable solutions to fill in some of these gaps. If you are willing to evolve and incorporate new and growing forms of development like the low-code option, you will be in a better position to benefit both staff and citizens by having the freedom to create custom solutions to accomplish specific actions and goals as well as a specialized toolkit that can be utilized to streamline processes, flows of communication, and collected data.

In a perfect world, everyone would have the time and resources available to learn the ins and outs of JavaScript, HTML, CSS, or other common forms of coding used to write complex software and applications from the ground up. The reality, however, is that this type of education and knowledge often requires more of staff than they can obtain, practice, and maintain from both time and budgetary standpoints. If you are looking for accessible ways to improve your systems and processes but don't have the resources or require a more tailored approach, low-code could be for you. ☐

About the Author Katrina Lewison

As the CivicPlus® Vice President and General Manager for CivicOptimize®, Katrina focuses on ensuring CivicPlus' integrated solutions evolve to meet the evolving needs of its clients. She applies her expertise in local government project management, ideation and innovation, process management, citizen engagement, and managed services to the leadership of CivicPlus' CivicOptimize solution suite, helping communities across the nation utilize digital communication platforms to engage citizens.



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FUNDING OPPORTUNITIES

NYS Urban Forestry Council Quick Start Grants

Applications due September 9th, 2021

The NYS Urban Forestry Council is pleased to announce Quick Start grants for communities to hold a tree planting event in the fall of 2021 celebrating Arbor Day, with the intention of moving toward becoming a Tree City USA. Communities can apply for up to \$1,000. Funding has been provided by the USDA Forest Service. 2021 Fall Quick Start Grant Application Package

Communities are eligible if they intend to work toward Tree City status but are lacking any of the components of the Tree City USA program. The four components include having a tree ordinance, a tree board, \$2/capita budgeted for trees, and an annual Arbor Day celebration with proclamation. Definitions and details of those components and application instructions can be found on the Arbor Day Foundation's Tree City USA website.

NYS Urban Forestry Council Tree City USA Reward Grants

Applications due September 16, 2021

The NYS Urban Forestry Council announces Tree City USA Reward grants for communities to plant large specimen trees or a grove of trees in a prominent location within the community. Communities in New York State that have been a Tree City USA for at least the past five consecutive years can apply for up to \$1,000. Funding has been

provided by the New York State Urban Forestry Council and the USDA Forest Service. 2021 Tree City USA Reward Grant Application Package

The intent of this grant is to encourage municipalities to sustain their community forestry program and maintain their status as a Tree City USA Community. The grant will reward communities for consistent participation in the Tree City USA program through a celebratory tree planting event.

National Endowment for the Arts ARPA Funding

On June 23, 2021, the National Endowment for the Arts released guidelines and application materials for two programs to distribute American Rescue Plan (ARP) funds. These programs are open to nonprofit arts and culture organizations, local governments, federally recognized tribal communities or tribes, and local arts agencies, regardless of whether have received NEA funding in the past. This is a change from previous emergency funding requirements at the NEA and significantly expands access to federal funds for the arts and culture sector. The NEA encourages applications from first-time applicants, and will offer workshops, question and answer sessions, and other resources for those new to federal funding.

Before applying for Arts Endowment funding, you will need to obtain a DUNS number and register at SAM.gov and grants.gov. Registration in SAM.gov and grants.gov can take several weeks, so you should begin the process as soon as possible. Here are resources that can assist you in the

registration process.

Guidelines, application materials, and applicant resources are at arts.gov/arp-grants.

2021 Consolidated Funding Application

Through the New York State Consolidated Funding Application (CFA), a single application for multiple sources of state funding, New York State is soliciting applications for funding to advance the priorities of the Regional Economic Development Councils (REDC).

This announcement is meant to provide a general overview of the programs included in this year's REDC/CFA Round and does not contain all program requirements and guidelines. Full solicitations, application materials, and program webinars are available online at <http://regionalcouncils.ny.gov>. The funding solicitation opened on Monday, May 10, 2021 and applications will be accepted through the CFA until 4:00 pm on Friday, July 30, 2021 for programs subject to this deadline as outlined in the Available Resources section.

This year, there are over 30 programs available through 9 state agencies, including Empire State Development; NYS Canal Corporation; NYS Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; New York Power Authority; Office of Parks, Recreation and Historic Preservation; Department of State; and Department of Environmental Conservation. In an effort to provide the most appropriate state resources through this process, participating agencies will be able

FUNDING OPPORTUNITIES

to review and potentially provide funding to a project that did not specifically apply to that program, if the materials submitted at time of application satisfy the requirements for that program and allow for fair review under the circumstances. In addition, all programs contained in this document will use regional distribution standards to ensure projects are funded throughout the state.

For more information or questions regarding the CFA, please contact the appropriate Empire State Development Regional Office covering the project area: <https://esd.ny.gov/regions>.

NYSERDA Regional Clean Energy Hubs

Later this year, NYSERDA will fund the establishment of Regional Clean Energy Hubs (Hubs) in each of the State's 10 economic development regions. Clean Energy Hubs will provide a holistic, multidisciplinary approach to ensure that all New Yorkers have equal access to the benefits of the State's clean energy transition. These benefits include energy saving programs for their homes and businesses that can lower monthly expenses and improve overall well-being, renewable energy options that reduce reliance on fossil fuels, job opportunities in the growing green economy, and more.

NYSERDA encourages teaming among organizations in response to the RFP. Organizations with experience in providing services in the clean energy, energy efficiency, social services, housing, economic development, health, and academic sectors are all encouraged to participate in the development of the Hubs as a new way to offer new

services to their constituents and access available funding to do so.

It is anticipated that the majority of Hub proposals will have a lead organization that will outline the overarching approach to engaging that region including their strategy for working with multidisciplinary groups that service area residents. Due to the collaborative nature of the Hubs and the cross-organizational collaboration that will be required for successful proposals, a two-phase process has been created:

Phase 1: Identify interested organizations through NYSERDA's establishment of a web-based clearinghouse. The clearinghouse will allow organizations to publish their interest in partnering on a proposal with other groups in the region or to work with eventual Hub lead in their region once the Hub is established. Organizations and energy service providers who are interested in working with the Hubs are encouraged to share their information in the clearinghouse, though signing up in the clearinghouse is not required to participate in the eventual RFP.

Organizations seeking teaming opportunities from across the clean energy, environmental, social services, human services, housing, economic development, health, and academic sectors can complete and submit the Statement of Interest form.

Phase 2: Establish the Clean Energy Hubs through an RFP seeking proposals from organizations to serve as Regional Clean Energy Hubs. Successful proposals will include:

A demonstrated understanding of the clean energy landscape of the region, including barriers to participation in the clean energy

economy and opportunities to advance engagement

Access to resources, programs, and economic development opportunities for residents and small businesses

Sub-contractor(s), partner organizations, and how the Hub will function across entities, as well as an approach to working with local groups not yet identified to ensure the mission of the Hubs is met

Through this RFP, up to \$35 million will initially be available to fund the Hubs for five years.

For questions pertaining to the Clearinghouse or Statement of Interest Form, please contact project managers Lori Clark (518) 862-1090 ext. 3202 or Bianca Shaw (716) 842-1522 ext. 3039 or cleanenergyhub@nyserda.ny.gov.

NYS Department of Environmental Conservation

DEC01-ZEVIN-2021 / DEC01-ZEVCV-2021

2021 Municipal Zero-Emission Vehicle (ZEV) Infrastructure Grant Program / 2021 Municipal Zero-emission Vehicle (ZEV) Rebate Program (Purchase or Lease)

Contact: Myra Fedyniak, myra.fedyniak@dec.ny.gov

DEC01-ZEVIN-2021 (Infrastructure)

Solicitation Profile: The New York State Department of Environmental Conservation announces funding for municipalities to install clean vehicle infrastructure, including Level 2 (L2) and Direct Current Fast Charge (DCFC) electric vehicle supply equipment (EVSE) and hydrogen fuel cell (HFC) dispensing equipment utilizing hydrogen produced through electrolysis or

FUNDING OPPORTUNITIES

biogas reformulation, that support the use of clean vehicle technology within the State of New York. All infrastructure must be available for public use.

A total of \$2,500,000 is available for Round 4 of the Clean Vehicle Infrastructure Program.

The maximum grant amount is \$250,000 per facility (location) and \$500,000 to any one municipality (for multiple locations). There is no minimum grant amount. There is no limit to the number of applications a municipality may file, the number of facilities for which a municipality may request grant funding, or the number of units per facility, subject to the maximum award amounts above.

DEC01-ZEVCV-2021 (Vehicle Purchase or Lease) Solicitation

Profile: The New York State Department of Environmental Conservation is pleased to announce rebates to municipalities for the purchase of battery electric, plug-in hybrid, and hydrogen fuel cell vehicles for municipal fleet use. Applications are accepted via the Grants Gateway and awards are made on a rolling basis within the opportunity availability dates.

A total of \$300,000 is available for the 2021 round of the Municipal ZEV Clean Vehicle (Purchase or Lease) Rebate Program.

The maximum grant amount to any one municipality is \$150,000. A rebate of \$2,500 per vehicle will be issued toward the cost of an eligible vehicle with an all-battery electric range between 50 and 100 miles, a rebate of \$5,000 per vehicle will be issued toward the cost of an eligible vehicle with an all-battery electric range between 101 miles and 200 miles, and a rebate of \$7,500 will be issued toward the cost of an eligible vehicle with an all-battery electric range of 201 or more miles. Rebate

amounts cannot be a denomination other than \$2,500, \$5,000 or \$7,500. E.g., a request for \$1,000 will not be awarded.

Municipal ZEV Clean Vehicle rebates are available to municipalities that purchased or leased an eligible clean vehicle and placed it into municipal service at a dealership located within New

York between March 1, 2020, and October 29, 2021. If the vehicle is leased, the minimum lease term is 36 months.

For instructions on Applying for a Grant <https://grantsmanagement.ny.gov/apply-grant>

Deadline: October 29, 2021 / October 29, 2021 ☐



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- Supplied face masks to all members
- Real-time COVID-19 updates and resources
- Interactive safety training webinars
- Safety culture and re-opening guidelines
- Individual live video safety training

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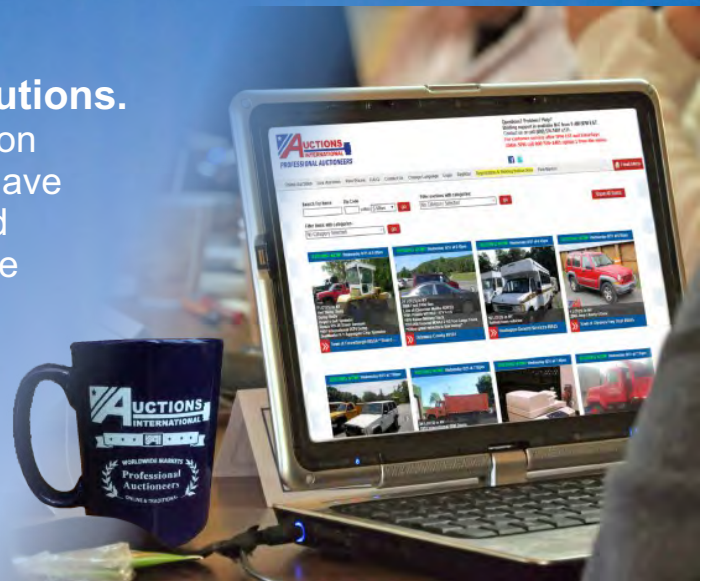
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