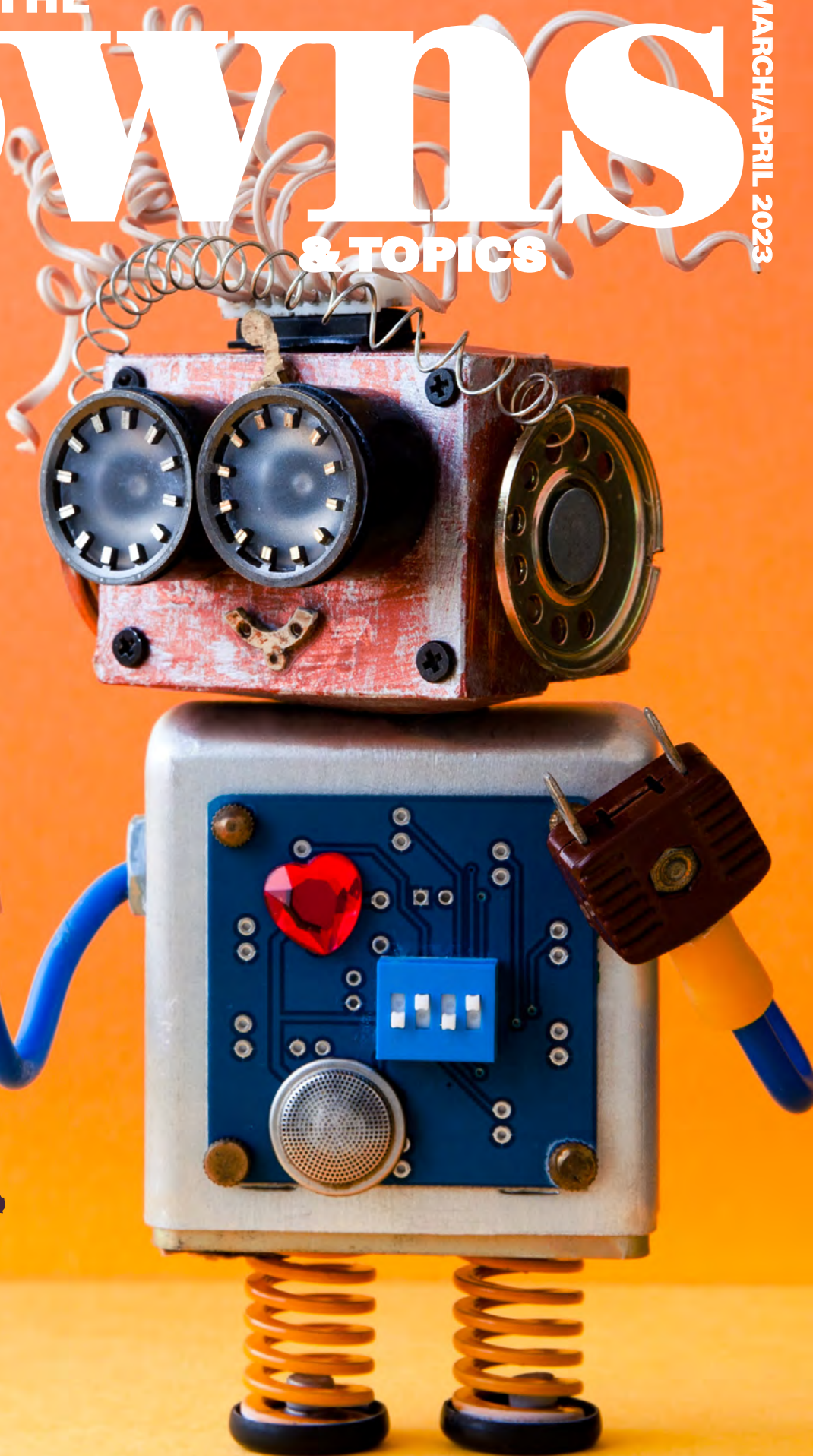


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Foundation of Affordable Housing Plan Should be Built on Trust

Incentives and Revenue Sharing over Mandates is the Way

By Executive Director Gerry Geist



As March turns into April, spring is officially upon us and with that, the return of daylight savings time, return of the national pastime baseball and the adoption of the New York State budget.

I am very pleased to report that our return to an in-person Annual Meeting and Training School was a great success. So many of our attendees and exhibitors stopped me and thanked the Association for returning to in-person meetings, and the attendees reported that the array of courses – including our first-ever, AOT-sponsored CLE programming – and certified Town Official programming was diverse and informative.

One of the highlights of our conference was working with town officials in formulating a response to the governor's proposed budget initiatives. Home rule has always been the foundation of the relationship between the state and local government, and for many of us, the appeal in serving as a town official is working to make a difference in our communities to ensure that the quality of life is preserved and protected while always looking to the future. The governor's proposal seeks to override local zoning, SEQRA, and other local planning laws and tools, if the towns do not meet the standards promulgated by the proposal. Once again, towns find themselves in a position to oppose the proposal, as the budget initiative does not take

into account the costs of increased burdens on aging infrastructure, nor does it take into account the great work in adding multiple-family and affordable housing in our towns. For far too long, we hear about the state trying to pass down its obligations to the town by "unfunded mandates." If this proposal passes as proposed, it will be the "big ugly" of unfunded mandates. Your association has always welcomed the opportunity to sit down with the state legislature to explore new ideas in order to address the housing crisis in New York. We all agree that additional housing is needed but not at the expense of home rule. What is sorely needed is a direct infusion of dollars to towns to address their infrastructure needs, which for many, serves as a bar to all development and not just affordable housing. We will continue to be a voice of clarity and reason with the state and with your supportive efforts, I am confident that our message will be heard.

The state appears to have surpluses of monies, and the proposed budget has increases for everyone but local governments. After more than a decade of no increases, the state needs to commit additional unrestricted revenue sharing (AIM). Equally important is there has been minimal increases in highway funding (CHIPS), for the past decade or more, which your association will continue its advocacy for larger increases. □





The Future of Digital Payments for Governments

By Sukanya Madhavan, Vice President, Product Management and Engineering, CSG Forte

Today, you would be hard-pressed to find a retailer that did not offer a form of digital payment. The digital payments sector is well-established and expected to explode in the coming years. A study from Juniper Research has found that the number of unique digital wallet users will exceed [4.4 billion globally in 2025](#), rising from 2.6 billion in 2020. Not only is this the customer expectation, but it also helps the merchant provide and track customer purchasing patterns and can help mitigate the risk of fraud and cyberattacks. It's a win-win.

On the other hand, public entities have been slower on the uptake. Between concerns with personnel resources, budget, compliance, and cybersecurity, governments, for example, have historically been skeptical of the value that digital payment options would bring to their municipality.

Fast forward to this year, government leaders are more excited to explore digital payment options. Most cities have either begun to dip their toe in the digital payments waters or have dived headfirst and are exploring options for expansion. Let's take a closer look at the roadblocks to adoption and what's at stake for elected officials and constituents.

For a while, concerns about credit card fees and older processing infrastructure might have slowed a government's embrace of digital payment options. But that landscape is changing fast. Increased constituent demand for a more seamless online experience and capable tech stacks helps government agencies accelerate the move toward digital payments.

Digital payments also give governments more data that can help them form a holistic view of all customer transactions and enable them to create a more seamless experience. This, e.g., means that constituents can log in to one portal and see all due payments. They can also choose to opt in for automated text reminders about payment dates.

While digital payments might promise a seamless

experience and a path to modernization, there is one obstacle government agencies need to overcome: security of personal information.

How Government Agencies Can Overcome Security Challenges

Governments hold some of the country's most sensitive data and it's easily their top priority to ensure this information is kept safe. Many local governments have been cautious about adopting digital payment options due to concerns about cybersecurity and damaging data leaks. Despite these challenges, government agencies must find a solution.

Most importantly, they need to pay attention to security to:

- Ensure adherence to compliance measures. Payment Card Industry (PCI) and National Automated Clearing House Association (NACHA) standards dictate how businesses collect, store, and work with sensitive constituent information. Any digital payment solution will have to check off these boxes.
- Uphold the public's trust. Constituent confidence is directly related to the feeling of safety when making digital payment transactions. Attention to security will fortify defenses and help to develop and retain constituents' confidence.

To navigate this concern with caution, government entities should register a trusted payments partner who can protect constituent data while ensuring seamless digital payment offerings.

Fortunately, there are many

For a while, concerns about credit card fees and older processing infrastructure might have slowed a government's embrace of digital payment options. But that landscape is changing fast. Increased constituent demand for a more seamless online experience and capable tech stacks helps government agencies accelerate the move toward digital payments.



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technologies available to prevent hacks and provide secure payments. Governments should ensure the digital solutions they adopt include cybersecurity protections like end-to-end encryption, multifactor authentication, and tokenization.

From there, they'd also need to establish clear lines of communication with constituents to help them understand the measures in place and the security of their data. Not only does this bolster constituent trust, but two-way communication can allow constituents to flag phishing schemes and scams they receive from fraudsters. Scammers that pose as government entities to gather payments are unfortunately common. With an open line of communication and these security must-haves in mind, governments can act against fraudsters and stop them from doing more damage.

Resource Allocation: Digital Payments Pay Off

Resource allocation is a significant concern for most government agencies. The adoption of cutting-edge technologies to prevent hacks may be an obvious expense for a large e-commerce brand, but government purchases are under more extreme scrutiny and necessitate a longer approval process. However, there are clear benefits to the adoption of digital payments. In many cases, the technology, e.g., pays for itself in the long term.

With more digital integrations, like a user-friendly customer portal and automated text messages to remind residents of upcoming payments, constituents are more likely to pay their bills on time. As a result, your town can limit resident frustration around late fee charges and save resources on resolving complaints and issuing late notices.

The pandemic made digital and touchless experiences vital for immunocompromised residents and critical for the health of all. It's important to note, however, that maintaining traditional payment methods is also crucial to accommodating all demographics and needs. With more tech-savvy consumers and a younger, digitally fluent population, the option of digital payments helps create a more seamless and positive experience for more people.

The increased digitalization also lessens the need for personnel to manage payments, allowing governments to reallocate staff to more strategic and impactful departments and missions. What's more, the move to digital means that tracking constituent payment and behavior will become significantly easier. Government leaders can even leverage the data to further improve the constituent experience and bridge a closer and more fluid connection with residents.

All said, elected officials have a real motive to meet this demand from constituents, and the reasons for government entities to hesitate to adopt the latest and greatest in digital payments solutions are quickly vaporizing. The ability to implement and carefully manage these solutions will be important to maintain constituent goodwill, generate revenue, and provide greater accessibility now and into the future. □

... From the Tea Leaves (Excerpt)

For the complete Town Tea on Mediums of Payment, including a direct link to the recording, visit <https://members.nytowns.org/images/Documents/Training/Town%20Tea%20-%20Mediums%20of%20Payment.pdf>

Direct Online Payments

General Municipal Law § 5-b and Real Property Tax Law § 925-c authorize local governments, by local law or resolution, to accept tax payments through a municipal website or through a third-party vendor that has contracted with the municipality. If the town authorizes online payment of taxes, a confirmation page must be provided to the taxpayer when the online transaction is complete that includes:

- The date the internet transaction was completed and sent by the taxpayer;
- The amount paid;
- A unique confirmation number; and
- A notice advising the taxpayer to print out and retain the confirmation page as his or her receipt.

Additionally, General Municipal Law § 5-b authorizes a town to accept payments of penalties, rents, rates, taxes, fees, charges, financial obligations, special assessments and interest via the town's website or a third-party vendor website. Note that the town is not required to accept online payments; rather, the discretion lies with the town board to offer this service to its residents.

If a taxpayer pays their taxes online directly using the town's website or a third-party vendor website, the taxes are considered paid upon completion of the internet transaction once the payment clears.

Other Forms of "Online" Payments (Paypal, Venmo, Zelle)

The umbrella of authorization provided by General Municipal Law § 5-b arguably includes online and app-based payment platforms including but not limited to Paypal, Venmo, Zelle and the like, so long as the town has entered into an agreement with the platform to accept payments via that medium. There may be a charge associated to using the platform (similar to that of a credit card); if so, this can be charged back to the taxpayer.

Mediums of Payment and Discretion

Town officials are required to accept cash and checks for tax payments and town charges, with the limited exceptions described above. The officials do not have the discretion to decline legal tender, although he or she may let the taxpayer know that the bank will not accept their form of payment, be it a third-party check or a check drawn on a foreign account. In contrast, the town board has the discretion to authorize credit card payments and online payment of taxes. Should the board authorize online payments and payments by credit card, the town official must accept these types of payments as well. □

Delivering a More Engaging, Accessible Digital Experience to Residents with SaaS Technology

By Kelly Davis-Felner, Chief Marketing Officer, Paylt

In today's economy, people can access virtually anything in just a few clicks. But the experience of accessing government services still lags.

In fact, PublicInput found that "The overwhelming majority (85 percent) of residents agreed that their local government has a responsibility to provide accessible ways for the community to engage."

Currently, most government offices find themselves in a balancing act between developing digital solutions that serve residents' needs and the agency's budget and people resource allocations.

Historically, offices have relied on paper-based processes to enroll, deliver, and collect taxes and fees associated with government services ranging from utilities to property taxes. This is neither efficient nor sustainable, and leads to longer wait times and a suboptimal experience for residents.

Accessibility continues to be a priority for the public sector, considering federal ADA regulations and a desire to serve all residents equitably. Offering options to allow residents to perform transactions in their preferred manner is of growing concern.

☆ **Cities look to adopt next-generation technologies to meet growing resident demand for digital access.**

The demand for digitization is there, however government offices typically have legacy IT infrastructure and back-office systems of record that are costly to replace and upgrade. And, of course, with new technologies comes new risk.

A Deloitte study reported that residents' digital experience with their local governments correlates with trust levels; easy-to-use digital tools translated to trust scores that were up to four times higher than subpar digital experiences. But Gartner found that only 45 percent of governments

have scaled digital programs.

In response to these challenges, a growing number of government offices are turning to technology partners to deploy next-generation solutions.

Here's how a digital customer experience and payments platform can address these challenges.

☆ **Removing friction between government offices and the residents they serve is the primary goal of going digital.**

Through partnerships with private-sector SaaS (Software as a Service) companies, agencies can separate the resident experience from the back-office system of record to not only provide user-friendly web and mobile experiences for their residents, but also automate their workflows to increase efficiency and streamline operations.

With record numbers of people turning to online channels to interact and transact with local and state governments, reimagining the front-end experience provides immediate and visible value to residents. In parallel, strategically implementing a back-office upgrade behind the scenes can, when ready, seamlessly integrate into the already-modernized experience.

A modern front-end experience can be deployed regardless of the system of record on the back end. This is where the benefits of a SaaS model specifically developed for government are realized.

According to a study done by a leading SaaS provider of digital customer engagement and payments software for government, Paylt, many of the previously noted

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DID YOU KNOW?

Actual and necessary expenses incurred in attending training events and conferences (the Association of Towns training events, for example) including the registration fee are proper municipal charges under Town Law section 116(12) and General Municipal Law section 77(b).

challenges are the exact reasons agencies are pursuing digital transformation of payments.

The top reasons cited were: additional payment options (56 percent), an improved resident experience (46 percent), more efficient back-office processes (35 percent), reduced delinquency (25 percent), and improved security (19 percent).

- Digitizing the customer experience offers an answer to many of the public sector’s pressing challenges. Digital customer experience and payments technology automates previously manual processes, resulting in accelerated time to revenue with less margin for error and a reduction in delinquent payments.
- Digital solutions that are designed with the highest standards for resident and agency data protection offer a greater level of security and compliance than a sub-par digital or in-person experience.
- Governments that prioritize accessibility offer residents multiple ways to make payments, as there are still residents who prefer in-person or over-the-phone payments. But even in-person or over-the-phone interactions can be modernized with technology like point of sale (POS) and Interactive Voice Response (IVR). Digital offers residents who aren’t able to travel to an office or pay over the phone the ability to easily and securely pay online.
- Replacing legacy IT infrastructure is time-consuming and expensive, so municipalities are turning to the private sector and partnering with government-focused SaaS companies. This allows them to quickly adopt and scale these proven technologies without worrying about compliance or security.

This technology isn’t a far-off future that public servants dream of — it’s being used by local and state governments today, and delivering real results.

Real-world examples: How technology is being used by government agencies

Governments today have already established themselves as leaders in adopting digital technology, and the impacts include a reduction in manual processing and long lines — and an overall improved resident experience.

☆ Automating payment processing for the City of Grand Rapids

In 2015, the City of Grand Rapids, Michigan sought to transform the way it engages with residents by delivering a digital city hall that was available to residents on their own time. The city’s goals were to enhance the overall user experience, decrease the

number of checks mailed for payments, help customers to be compliant and avoid late fees, and eliminate long lines at city hall.

The city knew it had to invest in a website redesign to improve service delivery, and payments had to be a critical part of the solution since that’s why most residents were visiting the site.

It started its digital transformation journey with four services: water, parking tickets, property taxes, and refuse, which combined, comprised about 90 percent of the city’s collections. Once it proved the efficacy of the digital payments solution, it scaled to include accounts receivable, miscellaneous receivables, and community development block grant loan payments.

The city’s digital solution allows residents to pay their bills online, from anywhere, on whatever device they choose. The city processes payments with no lag time, and because the process is automated, there is less room for error, resulting in improved accuracy in record-keeping. The reduction in paper, stamps, and even fuel residents use has had an environmental impact, as well.

Since adopting its digital payments solution in 2015, the city of Grand Rapids has seen a 61 percent decrease in manual payments, around a 25 percent increase in online payments (representing 5 percent YoY growth),

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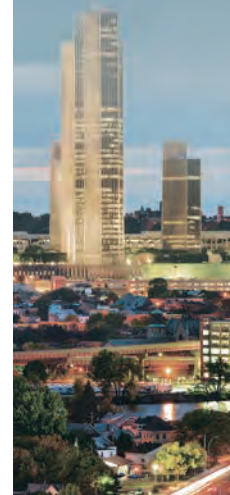
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and approximately a 45 percent decrease in manual transactions. Ultimately, this has led to higher resident satisfaction with city services, lower CO2 emissions from fewer paper bills, and more efficient city operations (less paper, decreased mailing cost, less phone support costs).

With the reduction in manual processing realized, Grand Rapids' employees are freed up to focus on more pressing issues that have a greater impact on their community.

☆ **Moving the City of St. Louis into the GovCloud**

In 2016, the City of St. Louis, Missouri had a payment system that didn't integrate with any other systems used by the city, requiring the collector of revenue's office to manually enter each payment — an incredibly time-consuming process. Additionally, the payment system was only available on desktop computers, with no mobile-responsive options.

The city was looking to address these challenges while also consolidating property tax payments and water/refuse payments into one experience, which meant whatever solution it adopted needed to be scalable across several government services. With limited resources, this all needed to be done within a set budget and without a large customization effort by city staff.

In November 2016, the city launched its digital payments platform, which enables the St. Louis collector of revenue's office to provide a resident-centric, all-in-one digital experience. St. Louis residents can easily pay property taxes, earnings taxes, utility bills, and court violations/tickets from their preferred device — with desktop, mobile, and native Apple and Android apps available.

The city's solution was built to scale. Since launching in 2016, they have added new services and features to continue executing its vision of a unified resident experience. In 2018, it expanded the solution to include municipal court payments, which combined two typically separate back-office systems into a single experience for residents.

☆ **Meet and surpass resident expectations with digital payments technology.**

Government agencies are well aware of the growing demand to offer residents digital options, and public servants are facing daily challenges that make these options a mounting necessity. The cities and states of the future have already begun to adopt digital solutions for a variety of services, and collecting and processing payments are low-hanging fruit to modernize processes and improve the overall experience for residents and government employees alike. □



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New York State Department of Civil Service, Employee Benefits Division

Cyber Security: You are a Target

By Jeffrey C. Bryant, CPCU, Bryant Asset Consulting, jeff@bryantasset.com

Many of us may feel overwhelmed by cyber security updates and information we have been observing in the news in the last few years. What has changed the landscape so dramatically in the evolution of hacking?

There was a spike in hackers' success with fraudulent payments and social engineering in 2022, which will be the ongoing upward trend in 2023.

Fraudulent payments are usually defined as funds transfer fraud or electronic fraud, which is theft of your money or other financial assets from your bank by electronic means, or any fraudulent manipulation of electronic documentation while stored on your computer system.

Social engineering is also known as cyber deception or fraudulent instruction and is when you are tricked by a hacker. An example: the hacker sends an email to accounts payable that looks to be from the legitimate vendor but contains a manipulated invoice containing instructions to pay via ACH but the hacker has replaced the vendor's account number with their account number. The easiest way to avoid the success of this type of deception is to always have employees call vendors anytime something looks different or has been changed via email and always be sure to call the vendor with your information on file – not the phone number listed on the invoice.

Today's *ransomware* attacks are more targeted and sophisticated. It's no longer someone sitting in their basement waiting to see how many random companies will respond to their threat. Today, ransomware software is readily available to be purchased on the Dark Web for \$25 to \$35. In addition, more sophisticated hackers are using botnets to flood tens of thousands of organizations' email inboxes with phishing and crypto-locking software, making your network inaccessible until you pay a ransom.

Network Security Controls You Should Have in Place NOW:

- Multifactor authentication (MFA) for all remote access to the network
- MFA for all remote employee email access
- MFA for all privileged user accounts (i.e., IT admin accounts)

- Offline back-ups that are fully disconnected and inaccessible from the organization's live environment or cloud back-ups secured by MFA
- An adequate endpoint detection and response (EDR) solution deployed across all endpoints
- Phishing training and simulated attacks for all employees
- Data loss prevention and network monitoring solution

The above list of controls will be required and will need to be in place before your cybersecurity insurance policy is issued for a new policy or a renewed policy for 2023. Luckily, most cybersecurity insurance carriers have partnered with technology experts to help put these very important controls into place for free or at a discounted price.

The *NYS Information Security Breach and Notification Act* requires persons or businesses conducting business who own or license computerized data that includes private information must disclose any breach of the data to New York residents whose private information was exposed. This means that a cyber intrusion into your network that holds two combinable pieces of a customer or employee private information (name, driver's license, bank account number, etc.) of hundreds or thousands of residents could potentially require you to notify each person in your system. The average cost to notify one record (person) is \$210. You will also be required to notify consumer reporting agencies: the NYS Office of Attorney General, NYS Division of State Police and the NY Department of State's Division of Consumer Protection.

A cybersecurity insurance policy will help policy holders with the expenses associated with a breach (e.g. the above-mentioned individual notification costs) such as:

- Forensic investigation to determine the cause of the breach
- Credit and identity monitoring services for the affected individuals
- Breach response call center team services to help with the breach response process
- Cyber extortion payments
- Legal and professional advice fees
- Fees and costs for negative publicity

Not only is understanding the importance of protecting your network security critical, but knowing how to protect your municipality by having the right cyber security insurance policy in place and adequate coverage to fit your needs is essential. □



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NYS Green Purchasing Program

By Brendan Woodruff, Director of Sustainability, NYSDEC

Recyclable. Energy-efficient. Non-toxic. Biobased. Renewably powered. Green. There are an ever-growing number of sustainable products and claims on the market for local government purchasers to choose from when trying to lower the environmental impact of their purchases. Navigating sustainability claims can be time-intensive and difficult for local procurement activities. That's why Gov. Kathy Hochul expanded New York State's successful green purchasing initiatives for state agencies to all New York State municipalities and local authorities by launching the first-of-its-kind in the nation Green Purchasing Communities Program.

Combining the purchasing power of state and local governments behind a set of green purchasing standards accelerates the transition to the green economy by sending a large and consistent demand signal to the market for more sustainable products. In turn, businesses gain the certainty required to invest in scaling up production of more sustainable options, creating economies of scale and bringing down the price of these products for all consumers.

Jointly administered by the Department of Environmental Conservation and the Office of General Services, the goal of the Green Purchasing Communities Program is to make it easier for local

governments to purchase more sustainable products and services by joining the state's efforts using vetted product specifications.

What is NYS Green Purchasing Program?

The core of the state's green procurement program are specifications, vetted by experts across the state, for routinely purchased commodities or services by governments such as electronics, office supplies, food service, and transportation needs. New York State's green purchasing program includes a series of over 80 different GreenNY sustainable procurement specifications for various types of commodities and services that state agencies and authorities use when making purchases. In addition, the public and stakeholders participate in the creation of specifications, which ensures feedback is received and considered prior to adoption.

In State Fiscal Year 2021-2022 alone, more than \$300 million was spent by state agencies and authorities on green products and services, a 42 percent increase from the previous fiscal year.

By creating more sustainable specifications through an open and transparent process, state government has done the heavy lifting of sifting through all the market rhetoric and defining what a green product is for the covered product categories. Recently created or updated specifications include green cleaning materials, clean heating and cooling equipment (heat pumps), and an update designed to increase the use of recycled content paint. The specifications are designed to ensure that state government is leading by example

with its purchasing and that the products it uses align with its policy goals, such as creating a circular economy, reducing exposure to (and the production of) toxic substances, and lowering greenhouse gas emissions.

When GreenNY procurement specifications are created, considerations are given to how widely available products are that meet the requirements. In order to increase access to these products, centralized contracts created by the Office of General Services contain products that meet the specifications. In a few instances, such as for green cleaning products or lighting, the centralized contracts are “all green,” meaning that any item purchased from the contract meets the GreenNY specifications. The specifications are also used when working with vendors through incorporating a requirement that an entity providing services, such as for janitorial or food service, use products that meet the GreenNY specifications.

How does the Green Purchasing Communities Program work?

The Green Purchasing Communities Program invites towns, villages, cities, counties and local authorities in New York State to join state government in using GreenNY sustainable procurement specifications. This gives local governments a simple way to follow the green purchasing program while also building the program’s collective market power to accelerate demand for sustainable product offerings economy-wide. The best part? By having town purchasers follow the GreenNY procurement specifications, towns will always be following the latest standards since the state is regularly updating older specifications and creating new ones. No additional updates or policy changes by the town are needed.

Moreover, by participating in the program, towns can receive recognition from the state for their commitment to green purchasing and let their constituents know that they are a municipal leader. Towns that participate can also receive the additional benefit of certification points through the Climate Smart Communities certification program for their green purchasing efforts under action PE3: Environmentally Preferably Purchasing.

Also, New York State’s green purchasing program is effective, and has received national recognition, earning the Sustainable Purchasing Leadership Council’s top national honor, the “Leadership Award” in 2017 and the Electronic Product Environmental Assessment Tool (EPEAT) award for achievements in sustainable

electronics purchasing for the past five years in a row.

Joining Green Purchasing Communities is easy

The Green Purchasing Communities Program is free to participate in, and any type of local government body in New York State that has an official purchasing policy can participate.

Towns that want to join the program must follow two simple steps:

1. Adopt language in the town’s purchasing policy instructing purchasers to follow the GreenNY specifications to the maximum extent practicable; and
2. Fill out the one-page application and submit it to GPC@dec.ny.gov.

Model language that can be added to the town’s purchasing policy is available on the program’s website. This language can be inserted as is, or it can be slightly modified to fit a town’s needs as long as it directs purchasers to follow the GreenNY procurement specifications. The purchasing policy must be updated and approved in accordance with the town’s official procedures, which would include approval by the town board.

For the application, towns will need to have a few things for submission, including:

- estimate of the total amount in dollars that the town spends on goods and commodities in a year;
- a copy of the resolution approving the new purchasing policy by the town board, and
- a copy of the new purchasing policy with the new language inserted.

More information on the program, along with the application, model language, and a list of all the GreenNY Purchasing Specifications can be found at: <https://ogs.ny.gov/green-purchasing-communities>

Please consider joining New York State’s Green Purchasing Communities program and following the GreenNY sustainable procurement specifications to demonstrate your town’s leadership in supporting more sustainable goods and services and building a greener and cleaner environment for all New Yorkers. □

Program Updates and News from NYSDEC

In 2022 alone, the New York State Environmental Facilities Corporation and Department of Environmental Conservation announced more than \$1 billion in grants to improve water infrastructure statewide. These investments were in addition to EFC operating the largest low-interest water infrastructure financing

program in the U.S.

Gov. Kathy Hochul announced \$110 million in DEC-sponsored grants for more than 86 water quality protection projects. Approximately \$90 million was awarded to environmental justice communities – communities that have disproportionately borne the burden of environmental pollution for decades.

In the Southern Tier, the town of Chenango received \$10 million to improve its water quality, reduce contaminants entering the Chenango River, and assist the town in meeting state water quality standards.

The town of Hermon in the North Country received more than \$718,000 to upgrade its wastewater treatment facility with special ultraviolet disinfection equipment to improve the water quality in nearby Elm Creek.

And we are working to reduce erosion in the Cayuga Lake watershed thanks to a project designed to address a failing stream culvert in the historic Finger Lakes town of Seneca Falls.

Ensuring access to clean, safe water requires vision, determination, and innovative technologies to protect source watersheds, maintain and upgrade critical water infrastructure, and build sustainability and climate resiliency.

The state-supported Drinking Water Source Protection Program is another powerful example that demonstrates state and local partnerships can have profound and lasting effects on water quality protection. The Drinking Water Source Protection Program is led by local governments to develop and implement drinking water protection plans that suit individual communities. Municipalities are empowered to proactively improve and protect public water sources and the environment.

Communities accepted into the program receive free technical assistance to develop unique plans tailored to their communities, enabling them to safeguard sources of drinking water now and into the future.

The state continues to provide significant funding to help municipalities address emerging contaminants and other drinking water pollutants, including recent grants from the Water Infrastructure Improvement (WIIA) program to mitigate contaminants. Since 2015, EFC has awarded more than \$400 million in WIIA grants to projects addressing emerging contaminants that exceed the state's maximum contaminant levels.

In addition, as advanced by amendments to the state's Freshwater Wetlands Act, expanded wetland

designations are helping communities adapt to increased flooding and severe storms fueled by climate change.

What's coming up

While we've made significant progress, we know that there is still work to do to ensure every New Yorker has access to clean water.

This year's Executive Budget adds \$500 million in clean water funding, boosting New York's investments in clean water infrastructure to \$5 billion over the last six years alone. The Environmental Protection Fund, which Gov. Hochul increased to a record \$400 million last year, provides additional funding for water quality. The voter-approved \$4.2 billion Clean Water, Clean Air, and Green Jobs Environmental Bond Act will provide additional resources to help communities statewide meet their water quality needs in the years ahead.

EFC, DEC and DOH, along with the Department of State (DOS) and Homes and Community Renewal (HCR), has assembled Community Assistance Teams to help small, rural and disadvantaged communities address their clean water infrastructure needs. Teams are hosting regional events and connecting communities with experts who can help them undertake their critical water infrastructure projects. These teams can provide on-site or virtual consultations to help communities jumpstart planning, submit funding applications and see their projects through to completion.

The Environmental Bond Act, passed with overwhelming support by voters last November, further demonstrates the state's commitment to fighting climate change, protecting clean water and the environment, and boosting disadvantaged communities across the state. Of the Bond Act funding, at least \$650 million will be invested in water quality improvements and building resilient infrastructure, with equity top of mind. Disadvantaged communities statewide will receive at least 35 percent of the benefits of Bond Act resources.

EFC has started the process of making Bond Act funding available for water infrastructure through its grant programs with the release of draft eligibility guidelines. The guidelines released for public comment expand the grant programs' legacy of modernizing aging systems and protecting drinking water. As part of the ongoing statewide effort to confront perfluoroalkyl and polyfluoroalkyl substances (PFAS) pollution and help communities on the frontlines of PFAS contamination, the criteria continue to

prioritize grant awards for drinking water projects that address emerging contaminants exceeding the state-determined Maximum Contaminant Level (MCL).

Environmental Bond Act projects are expected to unleash huge economic and environmental dividends. Drinking water sources will be safeguarded. Water pollution will be reduced. Decisive progress will be made in the battle against climate change.

The Environmental Bond Act will accomplish these goals by investing in drinking water and wastewater infrastructure upgrades, septic system and lead service line replacements, as well as projects tackling municipal stormwater, nutrient runoff, and algal blooms, which threaten water quality, aquatic wildlife, and human health.

Make no mistake, New York's Environmental Bond Act is going to deliver long-lasting, generational dividends to New Yorkers and the environment. But it's evident that it's not the only arrow in the state's quiver for protecting water quality and the environment. New York State is committed to ensuring its communities – from the smallest hamlets to the largest cities – have access to reliable sources of clean, safe water. And the state's leadership on water quality will guarantee positive and sustainable results for our economy, our environment, and the health of our communities. ☐

Town Clerks

TRAINING

Check out the *Workshop* section of the New York State Archives website (www.archives.nysed.gov) for training. You can register for live webinars on records inventories, information governance and more. Remember, if you can't make a live webinar, it will be recorded and uploaded to the Archives YouTube channel for later viewing.

ELECTRONIC RECORDS

Electronic records create challenges for many towns. But the State Archives is here to help you meet those challenges. In addition to our live and recorded webinars, we have many resources for electronic records on our website. The first step is to visit the "Electronic Records" section of our "Topics" webpage. Here you'll find information on how to manage many types of electronic records, including email, PDFs, and even voicemail. You'll also find advice on how to conduct an electronic records inventory

Don't forget the "Forms and Tools" webpage. Here,

you'll find an electronic records inventory database you can download and use to inventory your electronic records along with a model resolution your town can pass to make the electronic version of a record the official copy.

Under each topic you'll find a list of related publications so make sure to check them out. Here, you'll find our imaging guidelines, along with advice on how to manage an imaging project. Also, we have publications on using a data storage vendor for cloud computing and how to manage your social media records.

But don't forget your best resource: Michael Martin, your Records Advisory Officer (RAO) for towns. Michael can be reached at michael.martin@nysed.gov. ☐

Town Attorneys

Keeping Cannabis Dormant

By Robert J. Marks, Senior Associate, Boylan Code

The Commerce Clause of the U.S. Constitution states that "Congress shall have Power ... [t]o regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes." U.S. Const. Art. I, § 8, cl. 3. When the founders drafted this clause, I highly doubt that even they could have envisioned the far-reaching impacts of this seemingly straightforward grant of power. Believe it or not, the simple text of the Commerce Clause is now the principal reason that conditional licenses for recreational cannabis retail dispensaries are not being issued in multiple regions in New York State. The reason? Every Constitutional Law professor's dream: the so-called "dormant" commerce clause.

Although not expressly written in the text of the Constitution, the Supreme Court of the United States has long interpreted the Commerce Clause to be not only an affirmative grant of authority to Congress to regulate interstate commerce but also a negative limitation on the power of the states to enact laws that place substantial burdens on interstate commerce. "This 'negative' aspect of the Commerce Clause prevents the States from adopting protectionist measures and thus preserves a national market for goods and services." *Tenn. Wine & Spirits Retailers Ass'n v. Thomas*, 139 S. Ct. 2449, 2459 (2019); *Ne. Patients Grp. v. United Cannabis Patients & Caregivers of Maine*, 45 F.4th 542, 545–46 (1st Cir. 2022) ("Thus, the negative aspect of the Commerce Clause in and of itself protects interstate commerce from the evils of economic isolation and protectionism that state

regulation otherwise could bring about.”) (Internal quotations omitted).

With the legalization of recreational cannabis in numerous states, these same states are faced with regulating the permitting process for what many consider a very profitable enterprise. Multiple states have prioritized granting permits to pre-existing state residents in those licensing regulations. This form of favoritism (or discrimination, depending on how you look at it) over “foreign” entities has, in turn, forced federal courts to wrestle with how the dormant Commerce Clause impacts states’ attempts to prioritize their residents.

Perhaps surprisingly, most federal courts have struck down or halted regulations favoring state residents and discriminating against non-state residents using the dormant Commerce Clause. In other words, these courts have found that the Commerce Clause quoted to start this article prohibits states from adopting these sorts of protectionist measures to ensure their residents are preferred over residents of other states. *See, e.g., Ne. Patients Grp. v. United Cannabis Patients & Caregivers of Maine*, 45 F.4th 542, 547 (1st Cir. 2022) (State of Maine); *Variscite NY One, Inc. v. New York*, No. 1:22-cv-1013 (GLS/DJS), 2022 WL 17257900, at *5–9 (N.D.N.Y. Nov. 10, 2022) (New York State); *Toigo v. Dep’t of Health and Senior Servs.*, 549 F. Supp. 3d 985, 990–96 (W.D. Mo. 2021) (State of Missouri); *Lowe v. City of Detroit*, 544 F. Supp. 3d 804, 812–16 (E.D. Mich. 2021) (State of Michigan); *Finch v. Treto*, No. 22 C 1508, 2022 WL 2073572, at *12–20 (N.D. Ill. June 9, 2022) (State of Illinois).

In New York State, Plaintiff Variscite NY One, Inc. commenced an action on September 26, 2022, against the State of New York and the New York State Office of Cannabis Management (OCM), pursuant to 42 U.S.C. § 1983, alleging a violation of the dormant Commerce Clause. *Variscite NY One, Inc. v. New York*, No. 122CV1013GLSDJS, 2022 WL 17257900, at *1 (N.D.N.Y. Nov. 10, 2022), reconsideration denied, No. 122CV1013GLSDJS, 2023 WL 1420662 (N.D.N.Y. Jan. 31, 2023). Specifically, Variscite took issue with the part of New York’s Cannabis Law that prioritizes applicants that have “a significant presence in New York state, either individually or by having a principal corporate location in the state; is incorporated or otherwise organized under the laws of this state; or a majority of the owners are residents of this state.” NY CANBS § 3. Plaintiff argued that the regulation’s favoritism of New York residents and discrimination against non-New York

State residents violates the dormant commerce clause and directly discriminates against interstate commerce.

Variscite’s claim has so far been successful: Plaintiff’s initial motion for injunctive relief was granted, and the following geographic areas are currently enjoined from issuing any conditional adult-use retail dispensary licenses: Finger Lakes; Central New York; Western New York; Mid-Hudson; and Brooklyn.¹ New York State and OCM have appealed this decision to the United States Second Circuit Court of Appeals, and briefs are due in the next few months. It remains to be seen whether the courts will strike down OCM’s regulations as discriminatory or whether New York State will be permitted to prioritize its residents.

Interestingly, only three federal district courts have reached a different result when considering similar regulations (with one of those decisions being a California federal court that refused to rule directly on the issue: *Peridot Tree, Inc. v. City of Sacramento*, No. 2:22-CV-00289-KJM-DB, 2022 WL 10629241, at *11 (E.D. Cal. Oct. 18, 2022)). In 2021, a clever argument advanced in the Western District of Oklahoma won the day. The position taken by the State of Oklahoma was that the protections offered to interstate commerce by the dormant Commerce Clause are irrelevant because Congress considers cannabis an illegal drug by the Federal Controlled Substances Act. Stated differently, “It is impossible for there to be an interstate market in any good that, under federal law, is contraband throughout the country.” *Ne. Patients Grp.*, 45 F.4th at 547. As the Oklahoma federal court found, “Plaintiff seeks equitable relief so that it may obtain a medical marijuana business license or own the majority of a company holding such a license. It seeks that relief to engage in activities that Congress has expressly declared criminal under federal law.” *Original Invs., LLC v. State*, 542 F. Supp. 3d 1230, 1235 (W.D. Okla. 2021).

The argument that the dormant Commerce Clause’s protection of interstate commerce has no bearing when the enterprise at issue is illegal at the federal level has been met with mixed results. In Maine, the First Circuit rejected that argument and found: “We note, too, that nothing in the record, in this case, indicates that, due to the CSA, there is no interstate market in medical marijuana. The prohibition that Maine’s

¹ Variscite’s initial victory is especially significant because in order to obtain an injunction the Plaintiff must have demonstrated to the Court “a clear or substantial likelihood of success on the merits.” *Variscite NY One, Inc.*, 2022 WL 17257900, at *5.

Medical Marijuana Act seeks to impose on out-of-state actors entering that very market reflects the reality that the market continues to operate." *Ne. Patients Grp.*, 45 F.4th at 547 (noting that "It is possible for an interstate commercial market in contraband to exist, as the persistence of interstate black markets of various kinds all too clearly demonstrates.")

Nonetheless, in the most recent case, the Western District of the State of Washington denied a dormant Commerce Clause challenge to state cannabis regulations. *Brinkmeyer v. Washington State Liquor & Cannabis Bd.*, No. C20-5661 BHS, 2023 WL 1798173 (W.D. Wash. Feb. 7, 2023). That court also relied on the fact that cannabis is illegal on the federal level. Specifically, the Washington federal court found "[c]onceptually, the dormant Commerce Clause exists to preserve a national market for competition undisturbed by preferential advantages conferred by a State upon its residents or resident competitors. In other words, it is designed to protect interstate commerce. No party, in this case, suggests that citizens have a federal statutory or constitutional property right to cannabis. At the same time, it remains federally illegal. They do not." *Id.* at *10 (internal citations and quotations omitted). Put simply, "Citizens do not have a legal interest in participating in a federally illegal market," and consequently, "The dormant Commerce Clause can[not] be read to protect illegal interstate commerce. *Id.* There is no doubt that states across the U.S. have taken notice of this avenue to avoid the dormant Commerce Clause, and the argument will likely take center stage at the appellate level moving forward.

Whether the dormant commerce clause can continue to halt the issuance of adult-use retail dispensary licenses in New York and across the U.S. remains to be seen. What is clear, however, is that the impending decision to be made by the Second Circuit Court of Appeals overseeing the New York State litigation will dramatically impact adult-use retail cannabis licenses in New York and possibly the U.S. Supreme Court's interest in deciding this issue. Either way, the current winner is undoubtedly the Constitutional Law professors who now have fresh content on an otherwise "dormant" subject matter. ☐

Justice Courts

By Anthony Provenzano, Town Justice, Town of Rye

Failure of a Condition Precedent is not an Automatic Waiver

In *Metro. Times Square Associations, LLC v. Laurel*

Lee Restaurant Inc., (NY Law Journal page 17, January 18, 2023) a NY civil court considered the obligations of a landlord and tenant under their lease. The issues presented are equally applicable in landlord/tenant matters that arise in town and village courts.

In this case, the landlord entered into a commercial lease agreement with tenant for the subject premises. Under the lease, tenant agreed to pay base rent and additional rent including real estate taxes and water charges.

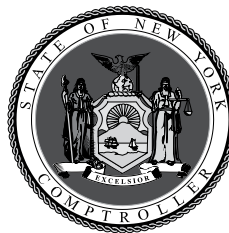
The tenant argued that landlord failed to adhere to conditions precedent in the lease agreement, which would entitle it to the alleged amount owed for additional rent. Specifically, pursuant to the lease terms, tenant's obligation to pay real estate taxes and water charges are not triggered until landlord provides tenant with a bill. However, landlord failed to provide any bills relating to these charges and therefore they should not be obligated to pay them.

The landlord argued that it was to provide the tax data with "the first bill," information that can also be assessed directly by tenant on its own and that the lease terms do not require landlord to provide the meter reading or water usage report in order to collect payment for water charges. The court noted that the landlord complied with the lease terms by providing a monthly bill with itemized water charges. In addition, the parties had a discussion concerning the increased water charges during COVID-19, believed to be caused by a broken solenoid control valve on tenant's equipment, which landlord urged tenant to resolve to avoid incurring additional charges. The court also noted that the parties have been in business with one another for numerous years and they have regularly discussed billing matters. Their prior course of dealings is probative demonstrating that tenant understands the clauses within the lease agreement proving no merit to tenant's opposition.

The court here concluded that tenant's arguments unavailing as to the issue of outstanding real estate taxes and water charges. As defined in section 224 of the Restatement (Second) of Contracts, a condition precedent is "an event, not certain to occur, which must occur, unless its non-occurrence is excused, before performance under a contract becomes due." See Restat 2d of Contracts, §224. This is usually evidenced by terms including but not limited to "on condition that," "provided that" and "if" are often used for this purpose. "An intention to make a duty conditional may be manifested by the general nature of an agreement, as well as by specific language." See Restat 2d of Contracts, §226. It was noted that nothing in the instant lease agreement between these parties neither stated nor indicated that the additional rent would be waived if bills are not or have been delayed going to the tenant. ☐

Town Finance Schools

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Registration form

Name _____ Title _____
Town _____ County _____
Address _____
(Street No., PO Box, City, State & Zip)
Primary Phone () _____ E-mail: _____

Please choose the location you will be attending:

_____ **May 8-9, 2023 – 41 Lakefront Hotel, Geneva (Deadline to pre-register: April 28)**

_____ **May 15-16, 2023 – Albany Marriott, Albany (Deadline to pre-register: April 28)**

Registration Rates	Member	Non-Member
Pre-registration (before April 28)	\$200	\$250
On-Site registration	\$225	\$275

What do you get for your registration?

All-conference access, including admittance to all presentations, as well as our exhibitor hallway, and breakfast, lunch, refreshment breaks and materials.

Payment Information

Checks can be made payable to Association of Towns and returned along with this form to:
Association of Towns, 150 State Street, Albany, NY 12207 or fax copies to (518)465-0724.

Cancellation Policy

Cancellations received 10 days prior to event will be refunded, less a \$10 processing fee. NO REFUNDS WILL BE GRANTED AFTER THAT DEADLINE.

Accommodation Information

Please make your hotel reservation with your location's hotel.

Albany Marriott

189 Wolf Road, Albany, NY 12205
\$114/night -- single/double.
1-800-2289290
Cut-off is May 1.

Lakefront Hotel

41 Lake Drive, Geneva, NY 14456
\$98 single/double.
315-789-0400
Cut-off is April 14.

Register in One Step Online!

You may also register online for either school at www.nytowns.org beginning March 15. Both visa and mastercard accepted.

Questions?

For additional information, check www.nytowns.org. For specific questions, call Executive Meeting Coordinator Patty Kebea at (518)465-7933 or via e-mail at pkebea@nytowns.org.

2023 Highway School Registration Form



June 5 - 7, 2023
Ithaca College, Ithaca, NY



Attendees may also register online at www.nytowns.org

First Name: _____ MI: _____ Last: _____

Title: _____

Organization: _____

Town Village City County State Agency

Other: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____ County: _____

Daytime Phone: _____ Ext: _____ Fax: _____

E-mail: _____

Is this your first time attending Highway School?

Have you received an award certificate for 20-years (or more) of Highway School attendance? (If yes, registration fee is waived)

Early registration fee on or before May 19: \$125.00

Attendees registering after May 19: must register on-site at a fee rate of \$165.00.

Please Note: Cancellations received 10 days prior to event will be refunded minus a \$10.00 processing fee.

No refunds will be given after the 10 day cancellation deadline.

Check in and on-site registration will be available Sunday, June 4 from 3 - 5 p.m.

Contact Executive Meeting Coordinator Patty Kebea with any questions at 518-465-7933

Send forms to pkebea@nytowns.org or

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Snapshots from AOT's 2023 Annual Meeting, NYC

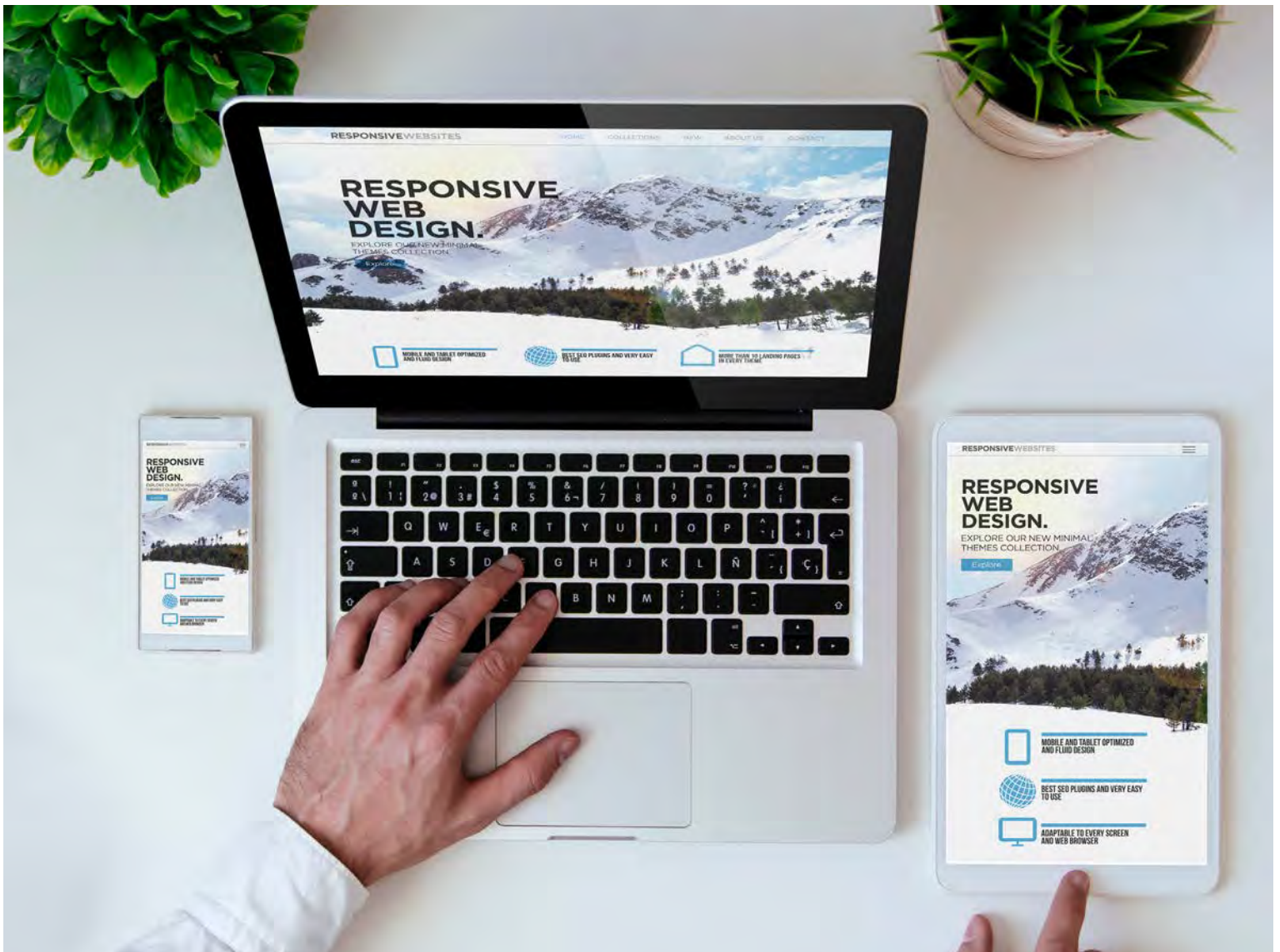




THE IMPORTANCE OF A WEBSITE

Connecting Municipalities and Communities through Digital Technologies

By Wilson Pennell, Assistant General Manager, Coughlin Printing



When you want information, where do you start looking for it? Many people begin their search online since most information they need is right there at their fingertips. They will most often do research online before doing business, voting, getting involved in advocacy, interacting with others, relocating, choosing a career or field of study, and the list goes on.

Therefore, a website is an essential marketing and communication tool for anyone – from an individual to a large corporation or non-profit. And it should be one of the most convenient and accessible ways to build an image, present required information, share crucial details or facts, and give guidance.

Municipalities can and should have a website to keep citizens informed of services available to them, events happening within the community, legislation that affects them, and so much more. In fact, it should be the hub where citizens go to stay informed because doing so develops trust and transparency with them.

WHAT THIS MEANS FOR MUNICIPALITIES

Local governments are expected to keep the public informed and provide an environment in which citizens can get involved in the decision-making process. A website is an ideal way to communicate, educate and equip the public while building trust and transparency. It also encourages the residents to stay informed and take action using the information, tools, and resources made available to them.

Towns and villages, especially in rural areas, often have part-time staff and limited hours. Having a website allows 24/7 access. This convenience is a win for all involved!

IMPORTANCE OF MOBILE RESPONSIVE WEBSITES

Having a website is important. Making sure it functions well on mobile devices is imperative! Most of the people in your community are using their phones to find information.

A “mobile responsive” website will adjust the layout and shift content to make viewing easier on a phone, while still presenting the same information. This simplifies site maintenance and provides a great mobile experience. Test your website right now using your cell phone. Is it easy to view and navigate? If not, this should be a priority.

WEBSITE TRAFFIC AND COMMUNICATION

Now that we are clear that you need a site and that it

Importance of Mobile Responsive Websites

Considering the following statistics:

- Zippia states that as of 2022, 85 percent of U.S. adults own a smartphone. The average American spends just under 5.5 hours on their device, checking in on it at an average of every 10 minutes, and that 62.06 percent of web traffic comes from mobile devices (<https://www.zippia.com/advice/smartphone-usage-statistics/>).
- According to a 2018 Pew Research study, 81 percent of Americans significantly rely on their own research to gather the information they need for big decisions, 46 percent of which is obtained online and through digital tools (<https://www.socialtoaster.com/advocacy-marketing-statistics/>).
- The FCC reports that a mobile device is the fastest-growing method of accessing news and information; 56 percent of all mobile device users and 47 percent of the population access local news by means of a mobile device (<https://transition.fcc.gov/osp/inc-report/INoC-5-Mobile.pdf>).

needs to work well on all devices (desktops, tablets and phones), the next big question is WHAT to put on your site.

There are many digital tools that can enhance communication and collaboration between local governments and communities. Four common tools include alerts, public notices, email newsletters, and social posting. These are not the only options, nor are they a “one-size-fits-all.” But properly leveraged and adapted, these can be extremely effective in engaging and informing residents and visitors alike.

Alerts deliver time-sensitive emergency information, critical updates, and important notices. Things such as severe weather alerts, disruptions in utility services, traffic accidents can be quickly communicated in real time. Alerts should be displayed in a prominent location on your website. When people know they can find news and alerts easily on your website, they’ll keep coming back. You may also send out alerts by email, and by placing a link within the email alert, you direct subscribers to your website for the full story and more information. People are willing to sign-up for alerts and notifications if the

content is helpful and relevant.

I suppose if you are interested in a moment of honest introspection, you could ask yourself, and your board, where do you go to get up to date alerts and information? If it is not your website, why not make that your website?

Public notices and community newsletters are a staple in keeping citizens current on the legislative measures, special events, announcements, and news on local issues and long-term projects. These should be posts or articles on your site written in conversational language. Not only will this help with your organic search results, it will make your site much more accessible to those with visual impairments. For these same reasons, you should avoid posting all your events as graphics and your newsletters as PDFs whenever practical.

One final, but certainly not least, method to enhance website traffic is the use of social media. Many municipalities have embraced social media to help find new and effective ways to build rapport, develop trust, and create transparency. Linking these platforms to your website is a quick and easy way to drive traffic between the two.

In your social media, we recommend you try posting something about upcoming meetings or events - and provide links back to your website. First, this will improve your search rankings. Second, it gets people used to going to your site for information and not just your social accounts. Do not underestimate that value, as people switch social media services all the time. Your site is stable; social media is not.

Other ways to engage might include uploading a picture when new people join your team and celebrating the wins in your community by reposting and sharing the successes of others. Collaborate with local businesses to help them connect with members of the community or engage in a joint advocacy effort that empowers the community. The possibilities are endless!

By now you are probably feeling overwhelmed by the amount of work this might take. However, with the right tools,

much of this can be automated. For instance, you can have emails automatically go out to your subscribers when a new public notice is added to your site. Talk to your web developer about ways to automate.

Knowledge is power. You can empower the people in your community with the information you provide them, and your online presence is a great way to do just that. □



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SCAN FOR DETAILS

How Digital Government Enhances Efficiency

By HeyGov

Digital governance is the process of incorporating technology and digital resources in a municipality. It is an essential aspect of modern-day local government management, and as we'll see, plays a critical role in optimizing the time of municipal staff. As technology advances and becomes increasingly integrated into local government operations, the need for effective digital governance practices has become more pressing. Think of it as mayo to your chicken sandwich – without the mayo, the sandwich will still be pretty good but will go down slower. With mayo, however, the process is a lot easier.

The Bigger Picture

Let's work our way toward the fine details of the daily running of a local municipality.

The four pillars of public administration that are needed for a productive local municipality:

- **Efficiency:** how quickly and thoroughly we accomplish tasks while optimizing our resources: time, money, and human capital.
- **Economy:** how do we complete the work we need to do? Do we have enough resources (finances, time, humans, technology) to serve our community?
- **Effectiveness:** how good are we at what we're doing? Are there areas or systems that can be improved? Do we need more training?
- **Social Equity:** Are we treating everyone in an equal, fair and consistent manner, while considering their circumstances? Furthermore, are we including factors like socio-economic status, urban vs. suburban vs. rural, transportation accessibility, education, and being inclusive?

This, as you'll know, is a tall order! But, also a worthwhile one: one that runs communities.

The Importance of Digital Governance in Municipal Management

Whether or not any of us want it, we have technology in our lives: an answering machine or an email address and

credit card payments. Those are all examples of digital technology that we seamlessly incorporate into our daily lives.

And, Covid-19 pushed us all toward more integration of technology.

The upside? It's really not bad: it's simply a new, more efficient way of doing.

Digital governance helps optimize the time of municipal staff by reducing the time and resources required to complete tasks. By establishing clear needs for technology, staff members are able to work more efficiently, effectively and economically with the support of technology, with less need for manual intervention and less risk of errors.

Additionally, digital governance helps ensure that local governments fulfill their tasks in a manner that is consistent with the goals of the municipality, which can help to increase staff productivity and improve the quality of services provided to residents.

Everyday Frustrations

There are several ways that municipalities can use technology to enhance their ability to provide efficient and effective service to communities and their residents. Let's chat through it.

1. Payments in local municipalities are synonymous with bank runs, call back to ensure the right information is filled out and dealing with



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application numbers, matching checks to the correct applications and boaters “sock-money.” Although an integral part of the job, it can become tedious.

2. Reporting municipal issues have become a “Post-it” job and are passed along to the right individual or department to deal with it. Many times, the reporters aren’t kept in the loop, and the report disappears down a big black hole - mostly unintended until they follow up or see it fixed. This is a continuous time-consuming task for town clerks: to log the details, pass it on, follow up and ensure it’s completed.
3. Licenses, forms, permits – the bread and butter of most municipalities. A manual task that needs an eye for detail to check the information is correctly filled out, the check or cash payment matches the required fee and pushes it through a paper-based system while keeping the applicant up to date.
4. Reservations for parks and recreation facilities are traditionally done using a binder system. It means a couple of calls between resident and staff member to check if a facility is available, fill out the paperwork and drop it off with the cash or a check, double check rules and regulations, pick up

- and drop off keys and finally, receive the deposit.
5. Data! With technology comes data, they go hand-in-hand like peanut butter and jelly: data means information, which in turn means the opportunity to better understand, connect and deliver services to your residents and the community. But who maintains an updated, easily searchable database of the residents of the community?

How Do I Start?

This journey, fortunately for all of us, can be tailored around your local community and its needs. Start by reading widely: blogs, white papers and recommendations. Also, be sure to go through your local “clerk-list.” Then, compile a list of the daily tasks that take the most of your time. Below are a couple of suggestions:

1. Automating manual tasks can help optimize the time of municipal staff by reducing the need for manual intervention. For example, automating billing and payment processes can save staff members significant time and reduce the risk of errors.
2. Streamline services to residents, so that work can continue even after hours.
3. Broaden access for services residents; for example, pay with a credit card whether online or

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4. Integrate systems with each other, in order to make the data transferable from one to the other.
5. Set up a system that automatically collects data about residents like their address, telephone number and whether they have pets or have recently filed a building permit. A searchable database can be filtered to provide different groups of residents, each with specific parameters and that can be used to send out automated reminders for eg. utility bills, taxes or renewals of an annual boat launch permit.

Conclusion

Digital engagement for local government is essential in today's fast-paced world. Local governments are responsible for managing the day-to-day operations of communities, and it's crucial to keep up with the ever-changing technological landscape. In this way, digital engagement is not just a trend or buzzword, but a necessary tool to support municipal staff in their daily work.

Through digital engagement, local governments can provide services to residents and businesses quickly and efficiently. This can include anything from online

payment options to digital permits and licensing. It also means that municipalities can communicate with their citizens in real time, keeping them up-to-date on important issues such as road closures, emergency alerts, or community events.

In addition, digital engagement can also help local governments save time and resources. By automating certain processes, such as applications and permit approvals, municipalities can reduce their workload and focus on providing better services to their citizens. However, it's important to remember that digital engagement is *not a replacement* for human interaction. Local governments are the glue that holds communities together, and it's essential to maintain personal connections and build relationships with citizens. Digital engagement is simply a tool that can support municipal staff to ensure they keep serving their communities in an effective and efficient way.

In conclusion, the move toward incorporating digital engagement is a necessary tool to support municipal staff, provide efficient services to residents and businesses, and save time and resources. By taking small steps toward digital engagement, local governments can improve their operations and continue to be the glue that holds their communities together. □

What to Look for in a Municipal Website Provider

By Nelet Kok, Town Web

If, when sitting down to scope out municipal website providers, your eyes glaze over and you wonder whether you need (another) coffee or you just start planning your next trip, this article is meant for you! It's a daunting process, especially when tech-talk makes you feel like Tense-Twiggy!

Fear not, in no time you'll be Adventurous-Andy! In this article, we'll look at 10 key elements for scoping out government website providers.

1. Easy to use

The first thing to consider when selecting a government website provider is user experience; in designer terminology, this is called (UX) design. For the rest of us, it's how easy a website is to navigate, where to find certain tools and information and how it flows from one page to the next. The UX design should be simple, intuitive, and easy to navigate. The website should be designed with the resident in mind. The layout should be

visually appealing and easy to read, with a clear hierarchy of information. We humans are visual beings, and so if a municipal website is well-designed, it's a joy for residents to use – even if the content can be administrative-based at times.

2. Accessibility

Accessibility is another crucial factor to consider when selecting a government website provider. The website should be designed to meet accessibility standards and comply with the Americans with Disabilities Act (ADA). The website should be accessible to all users, including those with disabilities such as vision or hearing impairments. The provider should also ensure that the website is compatible with assistive technologies such as screen readers, text-to-speech software, and keyboard navigation.

3. Security

Security is a critical factor when it comes to government websites. The website should be designed with security in mind to protect sensitive information, such as personal data and financial information. The website provider should have robust security measures in place, including firewalls, SSL encryption, and intrusion detection systems. Additionally, the website provider should conduct regular security audits and vulnerability assessments to ensure that the website is secure.

4. Mobile-Friendly

This is practically non-negotiable; mobile-friendliness is crucial in today's digital age. The website provider should ensure that the website is optimized for mobile devices, as more people are accessing the internet through their mobile devices. During the [fourth quarter of 2022 just over 59 percent of all web traffic worldwide was](#) on mobile phones. This is especially important when thinking about accommodating visitors and travelers. The website should have a responsive design that adjusts to different screen sizes and resolutions.

5. Search Engine Optimization (SEO)

Search engine optimization (SEO) is the process of optimizing a website to rank higher in search engine results pages (SERPs). It is essential for government websites to be easily discoverable on search engines such as Google. Therefore, the website provider should ensure that the website is optimized for SEO. This includes using relevant keywords, creating high-quality content, and optimizing the website's structure and layout.

6. Analytics

Analytics is another essential factor to consider when selecting a government website provider. Analytics allows government officials to track website traffic, subscribers and other important metrics. The website provider should offer analytics tools such as Google Analytics to enable

government officials to measure website performance, identify areas for improvement, and make data-driven decisions.

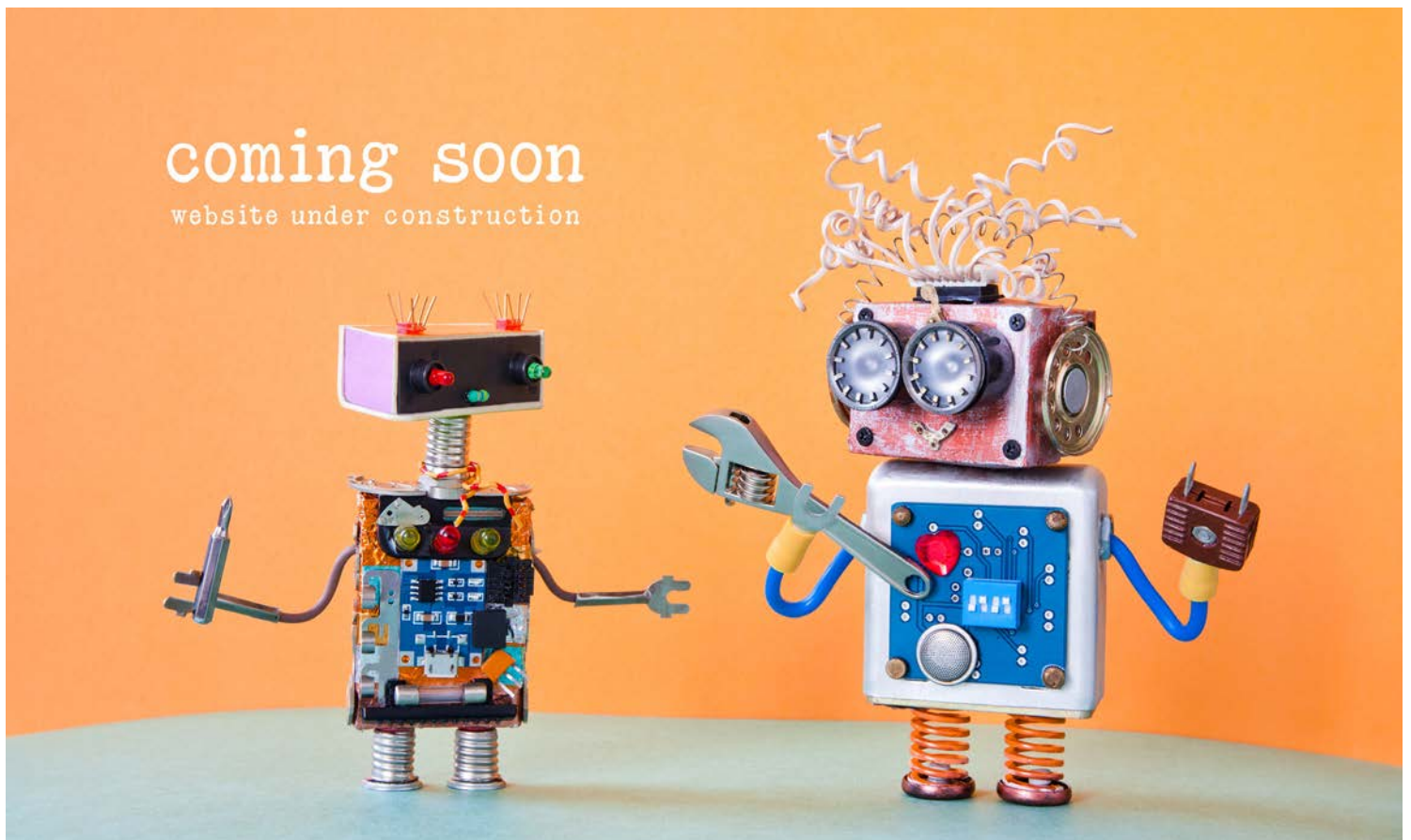
Ultimately, data helps guide us on where to improve, where community members are and troubleshoot accordingly. When we know better, we do better, and data helps us know better.

7. Support and Maintenance

It is important to select a website provider that offers excellent support and maintenance services. Cannot stress this enough: excellent support for town clerks means one less thing to worry about and one less thing to follow-up on. The website provider should have a dedicated support team that is available 24/7 to provide assistance with technical issues and website updates. Additionally, the website provider should offer regular maintenance services, such as software updates, security patches, and backups to ensure that the website is always up-to-date and secure.

8. A Municipal-Focused Supplier

One that is established with specialized knowledge to recognize what details need to be a part of every municipal website. And, one that understands the accessibility of the documents that local government officials work with. This means that the website has to be able to carry, send and host agendas, minutes, packets, as well as quick links to YouTube meeting videos. This



repository sounds simple enough, but a well-organized repository will go a long way in making clerk-work easier!

9. Communication with Residents

A local municipal website is an essential tool for municipalities to effectively communicate with their community and residents in a variety of ways. With the increasing importance of the internet in people's daily lives, having a website allows municipalities to reach a wider audience and share important information quickly and easily. The website has to be able to accommodate email/text notifications and integration with social media platforms. A well-designed website can provide residents with access to up-to-date and breaking news, announcements and events, as well as necessary contact information.

Additionally, the website can be used to share vital information such as emergency alerts, public health information, and local government services. By utilizing a local municipal website, communities can foster a more engaged and informed population, leading to increased community participation and a stronger sense of belonging.

10. Tech Stuff

Linked to No. 8 in this list, is a supplier that understands that municipal clerks are the glue that keeps municipalities running – they are very clever, but they

don't want to worry about the tech stuff. An experienced and accommodating municipal web design company is one that migrates content from old to new websites, allows API integration for current and future needs, is forward-thinking and can help update your website as the needs of the municipality and the community change.

When searching for a municipal website provider, it's essential to consider various factors to ensure that the platform meets the needs of the government, can communicate effectively in a variety of ways with the community and last, but certainly not least, support the municipal staff by offering a document repository, tech guidance and top-notch support.

By prioritizing the elements that make the town clerk's work easier, offering a reliable and trusted service, and encompassing all the tech, admin, and accessibility requirements, a website provider can contribute to building strong, informed communities. Additionally, providers that offer security, excellent support, analytics, and SEO services can help ensure that the website is functional, accessible, and visible to residents. Ultimately, the right municipal website provider can play a crucial role in supporting local government, increasing transparency, and facilitating communication with residents. For Tense-Twiggy, our advice is that you follow these guidelines, chat it over with a fellow clerk and get to work: the world (read: municipality) is your oyster! ☐



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Tracking Technology's Impact on Workplace Safety

By Robert Blaisdell, Director of Loss Control,
Comp Alliance



Technological advancements have a long history of improving workplace safety. In many instances, improved safety is the intended goal of the technology, such as adding seatbelts, airbags, and anti-lock brakes to vehicles to make them safer. In other instances, changes in technology have been primarily motivated by non-safety-related factors, such as increased efficiency and productivity, and improved workplace safety as an ancillary benefit.

Technological advancements in areas like personal protective equipment (PPE), vehicle safety and facility upgrades, have had a major impact on workplace safety. By continuously monitoring and incorporating technology, municipalities can improve their operations' efficiency and safety.

Personal Protective Equipment

Developments in PPE directly contribute to enhanced worker safety and reduced injuries, providing an immediate barrier between employees and hazards.

Hard hats, safety glasses and goggles, gloves, and hearing protection are cost-effective means of injury prevention. For example, an eye injury may cause permanent damage, prohibit an employee from driving a commercial motor vehicle, and result in an extended absence – life-altering for the employee, this could also be costly for your town. However, with the use of proper safety glasses, costing as little as \$0.99 a unit, the likelihood of such an injury decreases significantly. Slips, trips, and falls are the most common workplace injuries the Comp Alliance sees. To prevent these injuries, employees should have proper footwear. Nonslip soles, reinforced upper soles, breathability, waterproof technologies, and improved wearability all contribute to improved comfort for workers and reduce injuries.

Some of the more common examples of improved PPE through technology are:

- Plastic composites that strengthen and improve

the durability of hard hat shells.

- Kevlar materials used in chainsaw chaps.
- Lighter protective clothing and boots that are more comfortable and can be worn for longer periods.
- Gloves that help protect from cuts and provide vibration resistance.
- Breathable fabrics with cooling properties to aid in comfort, contributing to a positive psychological outlook on completing work.
- Footwear upgrades including long-lasting soles, slip-resistant materials, and gel insoles to provide comfort.
- Reflective clothing upgrades that make workers more visible to drivers in the work zone.

In the past several years, some industries have incorporated



“smart” PPE to communicate, monitor vitals, provide visibility, monitor the environment, and enable emergency stop devices. It’s also used to link employees and machinery to warn of potential contact and alert administration as to what PPE is being worn and where to maintain inventory. For example, Flint Bishop Airport implemented smart helmets for airport police to detect temperatures and run facial scans. In Georgia, firefighters wear smart PPE to track their movement, location, and gas levels.

Vehicle Safety

Automobiles constantly incorporate new technologies to improve safety. Accident-avoidance detection systems, auto braking, backup cameras, blind-spot monitors, engine diagnostics capable of monitoring a multitude of vehicle components, and advancements in comfort make it safer to operate and maintain municipal fleets. Even general maintenance can be improved with the use of technology. When an engine analysis system can

pinpoint a mechanical failure quickly, repairs are handled without delay. Predictive analytic systems report failures before they occur, saving downtime and repair expenses. Future vehicle technology will likely include self-driving trucks and better collision avoidance and detection systems.

Facility Upgrades

Implementing some simple, physical security measures within municipal facilities can also provide enhanced protection. Video surveillance systems with remote monitor features can inform staff of who is accessing facilities. LED lighting inside and outside the facility can enhance visibility. Motion-sensitive devices can provide automation and reduce blind spots, utilizing photometric layouts to achieve proper foot candle measurements inside buildings, all of which can reduce slip-and-fall injuries and provide clearer visibility in parking lots, equipment staging areas, storage locations, and office stairwells. Technology also offers improved office ergonomics to

reduce the likelihood of several injuries. Using sit-stand desks, antiglare monitors, eye protection computer applications, and high-tech comfort chairs with heat and massage features can prevent carpal tunnel, eye strain, and more. Improved seating with lumbar support and adjustable armrests and seat height can help to align the spine, neck, and head when sitting for an extended period.

Additional technological advancements have been introduced to reduce fire damage potential, improve firefighting operations, and reduce worker fire susceptibility. Self-monitoring and connective fire alarm detection systems, with remote technology to alert of system failures, assures the detection system always remains active. Improved addressable fire detection systems can identify exact hot spots within a building to concentrate firefighting personnel, reducing firefighting time on-scene and protecting more staff and facilities. Also, fire detection devices are now able to detect smaller smoke particulates to alert building and emergency personnel quickly before a fire erupts. Lastly, the use of emergency evacuation planning and safety with improved fire compartmentation provides for more efficient emergency departure from buildings, reducing injuries to occupants.

Increased Awareness

Technological enhancements have also made safety training and awareness more accessible to employees. Training your staff on proper safety procedures and protocols is a long-standing norm, especially for those involving high-hazard operations (and has never been easier). Incorporating virtual training programs and online educational opportunities will make your staff more alert and aware of common hazards in the workplace. Training

includes knowledge of associated hazards, how to avoid such hazards, mending operations to reduce hazards, and notification procedures should an unsafe condition be identified. Current procedures may call for annual training for full-time and part-time staff on required training programs such as workplace violence, sexual harassment, chemical use (Right-To-Know), bloodborne pathogens, and HAZWOPER to be completed onsite via an accomplished trainer. This schedule limits training to specific dates and locations and requires all staff to attend at one time.



By making training resources available to employees at any time, (such as those offered through the Comp Alliance Academy), employees can view training videos at their convenience, and department heads can schedule and monitor training without disrupting operations. The improvement in safety and efficiency makes this one of the simplest and most affordable ways to use technology to improve the safety of municipal operations.

Technology with Safety as an Ancillary Consideration

Not all developments in technology that improve workplace safety were designed with that goal in mind. There are several instances where technology was developed for a specific purpose other than safety, and improved safety was secondary.

Garbage Trucks

Initially, garbage collection required significant manual labor. In 1937 and 1938, advancements to improve efficiency simultaneously

reduced worker injuries. Mechanical arms eliminated loading trash manually into the truck and the invention of the packer produced rear-loader garbage trucks. However, these designs still involved riding on the back of the truck, jumping off, and repeatedly lifting heavy cans. By the 1970s, automated side-loader garbage trucks made it unnecessary for workers to leave garbage trucks at all, which ultimately decreased muscle strains due to lifting, falls from the truck, and jumping-related injuries.

Wearable Biometrics

Originally designed to encourage fitness and a healthy lifestyle, wearable technologies are being incorporated into the workplace to monitor stress levels, skin temperatures, heart rates, and other safety considerations. For example, the Oura Ring was used to help detect the early contraction of COVID-19 among employees. Other features like glucose monitoring, blood oxygen saturation (SpO2) monitoring, and mood and stress monitoring could also contribute to improving

employee health, safety, and productivity.

Electric Vehicles

Electric vehicles were initially created to reduce the reliance on fossil fuels and the carbon monoxide emissions from internal combustible engines. Fortunately, these vehicles also brought about advanced safety features like blind-spot monitoring, 360-degree camera views, forward collision warning and automatic braking, lane departure and lane-keeping assist, and adaptive cruise control aid. Many of these features have since been introduced to ICE vehicles, dramatically improving safety for drivers and pedestrians.

By providing a safer work environment through an educated workforce, better protective gear, and safer facilities, you can minimize workplace injuries, improve efficiency, and boost employee morale. If you have questions related to utilizing technology to enhance safety within your municipality, please feel free to contact Robert Blaisdell at rblaisdell@wrightinsurance.com. □



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Municipal Zoning Codes & Energy Storage Technology

By Hannah Stewart,
Communications Specialist,
H2M architects + engineers

As interest in renewable energy and natural disaster resiliency increases, the need for energy storage increases as well. However, some municipalities lack the zoning guidelines necessary for any kind of energy storage infrastructure larger than a single-family home. While zoning codes vary from town to town, all municipalities would benefit from a better understanding of the technology and its siting needs. This is especially true for places like Suffolk County's North Shore, where upgrading transmission infrastructure and installing fossil fuel-burning "peaker" plants are more traditional solutions to power demand. Phil Schade, P.E., Energy Market Director at H2M architects + engineers, offers his expertise on the state of energy storage, what municipalities should keep in mind, and the concerns that residents may raise.

Some renewable energy sources, like solar and wind, are not constant. The purpose of energy storage is to store excess energy when demand is low so that energy is available either when demand is high or when intermittent sources are not producing.

According to Schade, energy storage can come in many different

Certain types of renewable energy, and utility-scale energy storage is one of them, should be designated as a 'public utility' in municipal zoning codes ... The phrase 'public utility' itself typically isn't defined within the codes, and siting flexibility cannot be achieved without that designation.

forms: "Batteries are a common form of energy storage and have been around for a long time. It's only recently that they've been applied on a utility scale. Additional energy storage technologies include pumped hydro and the application of hydrogen gas."

Pumped storage hydropower uses two water reservoirs at different heights to pass water back and forth through a turbine. When the sun stops shining or the wind stops blowing, the moving water

generates electricity instead. Pumped hydro is the best choice for areas with significant changes in elevation.

Hydrogen gas can be another way to store energy. Electrolysis can convert water into hydrogen, which is easy to store and can be used in fuel cells to generate electricity. The conversion of water to hydrogen to electricity is less efficient than pumped hydropower, but it is more versatile. The electrification step can also be skipped entirely and the



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gas can be used directly as a fuel source or as a greener supplement to natural gas.

Battery storage systems typically use metal-ion technology to store electricity. These systems can stack individual storage cells to meet the needed capacity. There are currently plans in the region to build battery capacities exceeding 100 megawatts. Battery storage systems are attractive for a number of reasons: the technology is readily available; batteries can complement renewable energy systems; they can be cost-effective and more easily sited than fossil fuel plants; and, lastly, they have little to no impacts on traffic or carbon emissions because most facilities are unmanned and monitored remotely.

The application of utility-scale energy storage is still relatively new.

“It’s not something that most municipalities had contemplated in their current [building and zoning] codes,” Schade said. “Most municipalities, if we were to do a poll [on current storage regulations], would likely be silent on the subject. It becomes difficult to site and properly evaluate an application for development if

your town or village code has no wording that addresses that particular topic.”

Schade advises municipalities to consider how much sound energy storage facilities produce when approving energy storage siting applications. Electrical equipment and cooling fans can contribute to the background noise level of a community. Municipalities should mandate that developers check existing background noise levels and determine if a new storage system would significantly increase noise impacts. If so, sound mitigation measures may be required.

Patricia DelCol, assistant vice president and municipal market director at H2M, added that energy storage projects can face additional siting challenges due to the codes’ often outdated language.

“Certain types of renewable energy, and utility-scale energy storage is one of them, should be designated as a ‘public utility’ in municipal zoning codes,” she said. “The phrase ‘public utility’ itself typically isn’t defined within the codes, and siting flexibility cannot be achieved without that designation. Case law supports relaxed zoning requirements when a facility is

designated as a “public utility” in a municipal zoning code. Without this designation, developers can be limited in where they are permitted to build.”

Municipal zoning codes also need to understand the location needs of energy storage systems, i.e., proximity to a substation or other utility connection infrastructure, in order to draft rules that make sense for both the technology and the community the technology will benefit.

Many tools are available to support municipalities as they learn about energy storage technology and prepare for installations within their jurisdiction. Entities like NYSERDA have published guidance on both the technology and on much-needed municipal code revisions. Professional support from experienced consultants is also available. Whatever the approach, municipal officials need to be well-versed and informed of the somewhat unique siting requirements and technology needs of energy storage, as they look to embrace alternative technology and its inherent benefits to the residents and businesses within their borders. □





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