TALK OF THE
Towns & Topics
ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK

Counting Down To

2019
Annual Meeting & Training School
February 17, 18, 19 & 20
“Our town was sued over its adoption of a moratorium. We would like to thank NYMIR for supplying us with admirable legal counsel in the case. The Appellate Court found in favor of the town’s position and it was a pleasure to have such excellent representation provided to us.”

DAVID LEFEBER, TOWN OF AVON SUPERVISOR

“We have enjoyed a great relationship with NYMIR over the past many years. Their concern, interest and courtesy are greatly appreciated and we remain thankful for the coverage provided to us and hundreds of other municipalities.”

ROBERT BLAIS, MAYOR OF LAKE GEORGE

“The level of professionalism from NYMIR was second to none. From beginning to end, you were superbly efficient and courteous. NYMIR was the good in a very difficult time.”

GEORGE PRIMEAU, MAYOR OF COHOES

“During the 2006 floods that ravaged the Southern Tier, NYMIR covered our claims and provided a level of service that we expect from a municipally-owned insurance program, and that’s why we are a Subscriber.”

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“At the time we suffered wind damage to the town and county salt shed, NYMIR went the extra mile to get it handled. Every now and then you get a pleasant surprise; this was one of those times.”

JAMES LUNKENHEIMER, IRA TOWN SUPERVISOR
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Goal Setting for 2019

- Legislature’s new look may factor into how AOT solidifies support for Home Rule and new funding for our bridges, roads, water and sewers.

The New Year comes with a brand new look for the leadership of the state Legislature, with one party rule in both legislative chambers and the Executive Branch. What this portends for local government is uncertain. The challenge for your association is to educate and inform the newly elected members of the state Legislature about the importance and value local governments bring to the fabric and character of the Empire State. Finally, it is our utmost priority to remind state policymakers that home rule is an integral part of how New York State is governed and that its protection is vital to New Yorkers.

The fundamental building blocks of this great state begin with adequate and additional funding for infrastructure. Our local road conditions continue to decline, and the dollars to repair and upgrade fall far short of our current needs. Whether it is additional unrestricted aid or additional funding for water and sewers, this is a critical time to find funds for our members so they can begin to meet the needs of their constituents.

We find success when our many voices of member towns unite as one to actively remind the state’s decision-makers of their commitment to local government and the role it plays in addressing the needs of our citizens. Last year, your collective voices were heard when it came to the executive’s plan to override local zoning and highway rights-of-way in the roll-out of 5G cell service, or when a plan was proposed to impose new reporting and enforcement obligations on code enforcement officers who had not previously received proper training in these areas, amounting to an unfunded mandate. These measures were turned back as unwarranted intrusions on local governments. Thank you for your help on this issue.

We will continue to work with our sister associations when necessary to lead a larger collective voice when called upon.

We anticipate that 2019 will provide opportunities for each of our member towns to continue their training and education at the premier local government training event in the state, our Annual Meeting and Training School this February in New York City. The event offers many of you the additional opportunity to gain more credits toward becoming a Certified Town Official.

We have put together a program of training and education this year for our annual training school that not only meets the needs of the ever-changing responsibilities of administering a town but offers an array of innovative and valuable ideas and speakers.

Lastly, I want to officially welcome the newest member of our family, the Town of Palm Tree in Orange County, the 933rd town in our state. We hope that it finds its experience as a member of our Association to be valuable, and we look forward to its role in the development of policies in the state.
Learn how municipal leaders can reduce energy costs with this newly established Shared Services program.

In collaboration with AOT, NYCOM and the support of New York State municipal leaders, NYMEP has developed a shared services initiative for purchasing Electricity & Natural Gas through a cost-efficient energy cooperative program.

For information, call: (518) 514-2798
The words still ring in Brian LaFlure’s ears: “That’s just trees.”

LaFlure, the longtime director of emergency services for Warren County, was attending an informational session on the highly touted FirstNet system, a high-speed, nationwide wireless broadband network for the exclusive use of first responders and other public safety personnel.

Looking at the FirstNet coverage map for New York State, he saw a gaping hole in Warren County and the rest of the Adirondack Region. Because of poor or non-existent cell phone coverage, the system would be of little, if any, use in the Adirondacks.

Brian pointed out this lack of coverage over such a vast geographic area, and was shocked at the uninformed response from a FirstNet representative: “That’s just trees.”

“It’s not just trees,” LaFlure says now, still frustrated by the exchange. “People live and work in the Adirondacks. People vacation here. And all of those people rely on emergency services to protect their families and help them when they need it. It’s imperative that something be done, sooner rather than later, to improve our cell phone coverage.”

LaFlure is far from alone in feeling this way. From town halls and fire stations to small businesses, college campuses and countless Adirondack living rooms, people are calling for improved cell phone service in the interest of public safety and economic growth.

**Public Health and Safety At Risk**

The Adirondack Association of Towns & Villages (AATV) recently passed a unanimous resolution stating that every area of the state “has a right to this key piece of technology infrastructure,” and calling upon local governments throughout New York to stand together and “insist that the time is now to move New York State ahead of the nation in terms of this critical technology.” The resolution was forwarded to Gov. Cuomo and state Legislative leaders.

“We’re at a point in society today where cellular service and the ability to use wireless devices is no longer a luxury. It’s critically important for emergency services, for business and tourism, for education and for our overall quality of life,” says Matt Simpson, president of AATV and supervisor of the Warren County town of Horicon. “We’ve heard the economic arguments from the service providers, we’ve heard the aesthetic concerns about towers, but it’s time that everyone works together to find a solution.”

Earlier this year, Senator Betty Little (R – Queensbury), Assembly member Dan Stec (R,C,I – Queensbury) and Assembly member Billy Jones (D-Chateaugay) issued a bipartisan call for higher cell towers to improve coverage in their districts.

Sen. Little was the driving force behind an earlier effort that resulted in dramatic
improvements in cellular service along the northern portion of the Adirondack Northway corridor after a tragic accident in January 2007. A Brooklyn man froze to death after he and his wife’s car went off the Northway in a remote area, and they were trapped, unnoticed, for more than 30 hours in sub-zero temperatures. In a recent essay in the Plattsburgh Press Republican, Sen. Little wrote, “I want to emphasize the importance of wireless connectivity for public safety. I have had constituents who have not been able to reach the help they needed in an emergency due to cellular dead zones, with devastating, fatal consequences.”

The risks to public health and safety exist even in Saratoga County, one of the most affluent and economically vibrant counties in the state. “We have towns in the northern portion of the county with little if any coverage,” Sheriff Michael Zurlo said. “When you’re stranded off the side of a road, or you lose land line service during a storm, having a cell phone can be a real lifeline. Lack of coverage is a big concern from a public health and safety standpoint.”

Arthur “Mo” Wright, first vice president of AATV, is the supervisor in one of those underserved Saratoga County communities, the Town of Hadley. From an emergency services perspective, he says, Hadley, like many small towns, relies on a mutual aid arrangement with nearby communities. The town would like to subscribe to a mobile responder tracking system that would allow them to see exactly which departments are responding when a call goes out and how quickly they will be there, but the system requires cellular service. “Instead,” Supervisor Wright says, “we basically wait to see who shows up. It’s just one of the ways that poor cellular service restricts the way we live our lives in Hadley.”

**Economic Development Hampered**

Poor cell phone service is also increasingly a concern from an economic development standpoint. “The 21st century presents many fresh economic opportunities for the Adirondacks, including the ability to live where one can play while conducting their business from there. But this is an elusive myth without both broadband and cell service,” says Garry Douglas, president of the Plattsburgh-based North Country Chamber of Commerce, one of the five largest chambers in the state, with more than 3,200 members in five New York counties and southern Quebec. “Whether one is a business owner, a professional service provider or a tourist, the continued large gaps in cell service are discouraging and economically harmful,” Garry says. “Governor Cuomo’s commitment has helped achieve great progress on the broadband front, and it is time now to come back around and look to close the vast and troublesome cell phone service gaps in the region.”

Jim McKenna, CEO of the Regional Office of Sustainable Tourism in Lake Placid, agrees. His team is responsible for marketing Essex,
Franklin and Hamilton counties to leisure and business travelers from across the northeast. “Cell service is something that most of the traveling public assumes they’ll have, especially the younger demographics,” he says. “So it is of increasing concern to us from a destination marketing standpoint.”

On the positive side, McKenna notes, the region had 18.3 million tourist visits in 2017, and he says that’s a number to which the cellular service providers should be paying attention. “Providers traditionally look at regions based on population, or prospective customers,” he says. “But I would suggest there’s reason for them to look at the Adirondacks a little differently. They have millions of good, existing customers from metropolitan areas who come here every year. Wouldn’t those customers be happier with their service overall if they could continue to use their phones here?”

911 Connection Would Have Saved His Life

As AATV encourages local governments across the state to join in an effort to improve cell phone service in the Adirondacks and other areas where coverage is lacking, they urge people to remember that the Adirondack Region is not “just trees” — as Sen. Betty Little can well attest.

“I will never forget the conversation I had with the widow of a gentleman who died not far off the side of an international highway, the I-87 Northway, trapped in their car, with a cell phone on his chest,” the Senator wrote in her Plattsburgh Press-Republican essay. “They were unable to make the 911 connection that would have saved his life …”

Now, AATV says, let’s not wait for another tragedy before we act.
The North Chautauqua County Water District (NCCWD) officially launched on September 5, 2018 after decades of planning, research, cooperation, and fundraising. The NCCWD encompasses the City of Dunkirk, Town of Dunkirk, Village of Brocton, Town of Sheridan, Town of Pomfret and Town of Portland, all located in the Chadwick Bay region of northern Chautauqua County. The water systems for these entities consist of several treatment plants, storage tanks, pump stations and distribution piping.

**Planting the Seed**

In 2008, the Chautauqua County Executive commissioned the Health Department to conduct a needs assessment for the water systems within the county to evaluate the quality of the water; the condition and code of the equipment; deficiencies and suggested upgrades within the systems; and the opportunity for economic development and creation of jobs in a low-income area. The assessment ultimately suggested $60 million worth of upgrades throughout the area. This led to a feasibility report in 2010 and applications for a planning grant and bidding invitations in 2011. Chautauqua County also hired Dr. Peter Reinelt, head of economics at SUNY Fredonia, who was instrumental in the objective financial analysis of the project. In May 2012, the county hired architecture, engineering, and planning firm, CPL (previously known as Clark Patterson Lee) to implement the changes and begin the work laid out by previous needs assessments and studies. From the minds of Chautauqua County executives and CPL engineers Eric Wies, PE, Richard B. Henry, III, PE, and Seth Krull, PE, emerged the idea of a unified water district — an extraordinary occurrence between municipalities, and the largest regional initiative ever undertaken in Chautauqua County.

**Immediate Benefits**

Eric Wies, PE, civil engineer and Principal at CPL, led the project management, grant applications and permitting assistance throughout the process. “Taking a regional approach to the water supply and distribution was beneficial for everyone involved, especially considering cost,” said Wies. “Instead of $60 million in repairs and construction within the separate municipalities, the total cost is $30 million — a 50 percent savings.”

Costs — especially water rates — raised the
most concern between the municipalities when agreeing to unite. Whereas previously each town, city and village had its own rate structure based on rules, city council or town board decisions, the regional district would operate on a single rate platform. Now, rates are based on a uniform standard cost and a consumption charge. Essentially, everyone within the district pays for the total cost of treatment and transmission of the water.

Not only is the cost shared, but is also an opportunity. Richard B. Henry, III, PE, Senior Vice President at CPL, led the program management and public engagement for the project. He emphasized the positive morale the partnership gives to the region.

“Suddenly, these five separate communities are part of something bigger than themselves,” he said.

**Funding the Vision**

To obtain funding for construction of the remaining components of the regional water system, the NCCWD was officially formed by the Chautauqua County Legislature in February 2016.

The NCCWD was able to fund the project through several grants and financial assistance programs, including $150,000 from the Appalachian Regional Council; $300,000 from the New York State Department of State; $2.3 million from the Department of Corrections; and two $1 million Empire State Development grants. The NYS Environmental Facilities Corporation supplied the project with grant and loan funding, including a $3 million grant award in November 2018.

“The individual communities couldn’t afford these projects alone,” said Town of Dunkirk Supervisor Dick Purol. “It was the unified approach that made the vision work, and thankfully, CPL was instrumental in obtaining these grants without which the project would not have been feasible.”

Any additional expenses will be distributed among the entire district, instead of one town or one city paying for everyone.

**Turning Theory into Reality**

The key to the program was a “buy-sell” agreement between the City of Dunkirk, the NCCWD, and the other participating municipalities. The NCCWD established a 40-year contract with the City of Dunkirk as the sole water supplier to the system.

Phase one of the project includes the installation of 7 miles of pipe, a 500,000-gallon water storage tank in the Village of Brocton, and a pump station in the Town of Portland. The project also called for a new 2 million-gallon ground level tank in the City of Dunkirk, replacing a 500,000-gallon elevated tank that did not meet current total storage volume design standards, according to the Chautauqua County Health Department.

“This issue was compounded when considering the ability of the city to supply water to the proposed regional system, as volume of water supplied by the city would almost double,” said Seth Krull, PE, civil engineer at CPL. “Addressing storage volumes in the city was critical in order for the regional system to move forward.”

In 2019, the project is slated to move to phase two. One of the main supply arteries to communities on the east side of the city runs along State Route 5 through the towns of Dunkirk and Sheridan. Phase two will replace portions of this main, but also complete several interconnections resulting in a continuous and robust water main along Route 5 from the Village of Silver Creek to the Town of Westfield.

“We decided to complete the design and construction of the Route 5 east water line project for the total project cost of $1.8 million,” said Krull.
Regional Accomplishments
The first phase of regional improvements was fantastically successful.

The improvements are part of a larger goal to improve regional water infrastructure and enact an entity to maintain and operate the system as a whole. Directly stemming from this initiative is clean, potable, accessible water and undeniable savings.

The NCCWD Administrative Board is made up of the mayor of Brocton, the town supervisors of Dunkirk, Sheridan, Pomfret and Portland, the chairman of the North County Industrial Water District and three community members, plus the CPL consultants who are already familiar with the inner workings of the project.

Additional savings directly stems from cost mitigation solutions through a $270,000 Local Government Efficiency Grant obtained by five of the participating municipalities. Instead of separate water departments in each municipality performing the same job spread across the region, the municipalities agreed to form the Chadwick Bay Intermunicipal Water Works.

Now, one team will maintain the regional water system, handling of meter reads, billing and operations, which will lead to efficient work, job specialization, and a sharing of overhead costs throughout the Village of Brocton, and towns of Dunkirk, Portland, Pomfret and Sheridan.

“The cooperation in the county resulted in major economic development opportunities for the region,” Wies said. “After seeing the united approach of the NCCWD, immediate access to potable water, and opportunities to hire a workforce, Athenex decided to build in Dunkirk.”

Athenex is a global biopharmaceutical company dedicated to the discovery, development and commercialization of novel therapies for the treatment of cancer. The 300,000-square-foot biotech plant is currently in construction, and will manufacture sterile, high-potency oncology drugs in a specialized and controlled environment.

It’s estimated that the company will bring some 900 jobs to the area and utilize 200,000 gallons of water daily.

“The community feels like they are a part of that success — and they should,” Henry said. “This is another benefit the community is able to share and feel like they are part of something bigger than their own small town.”

Lessons Learned
“There is not a one-size-fits-all approach,” said Henry. “We don’t have a packaged formula. Each client has different needs based on their desired results.”

To start construction, three towns, one village, one city, and the county had to cooperate for many years to determine what improvements were needed and to secure funding. It is notable the sacrifices and efforts these many entities made together over long periods of time to achieve a single, unified goal.

“Moving forward, we would like to see complete joint operations throughout the Chadwick Bay Region,” Henry said. “Currently, the City of Dunkirk is the supplier to the district. It’s important for the psyche of the area for all municipalities to be unified as one. We can produce a program that meets their needs and revise the approach to reach the finish line.”
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Q:

Do Robert’s Rules of Order apply to town board meetings?

A:

No. Not unless the town board adopts them as its rules of procedure, which, for a variety of reasons, might not be the best course of action for the town.

Robert’s Rules of Order is a well-known manual on the parliamentary procedure deliberative bodies may use when conducting business. It addresses topics such as introducing and seconding motions, what motions take precedence over others, and the rules of debate and discussion. However, towns are not required to follow these rules, nor is Robert’s Rules of Order the default procedure for a town to use. Under Town Law § 63 the town board determines its own rules of procedure, and while the town board could adopt Robert’s Rules as the procedure to follow, there are a few things to consider before doing so. First, Robert’s Rules of Order can be complicated and may actually lead to chaos. The rules are voluminous and were written with a large parliamentary body in mind; much of the procedure may not translate as well for a five-person town board.

Furthermore, there may be instances where Robert’s Rules of Order conflict with what state law requires. For example, under some versions of Robert’s Rules, the meeting chair, aka the supervisor as presiding officer, cannot make motions while presiding or vote unless the vote is by ballot. As a member of the town board, the supervisor is vested with legislative power, and curtailing the ability to vote or make motions would limit this authority. Therefore, Robert’s Rules of Order would conflict with what’s required under state law (see 1990 N.Y. Op. Atty. Gen. [Inf.] 1072).

Organizational meetings present the perfect opportunity for town boards to review and adopt their rules of procedure. If your town is interested in obtaining sample rules of procedure, you can always contact the Association of Towns at (518) 465-7933.
ANNOUNCING

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FCC Limits Local Control for Deployment of 5G Network
By Thomas A. Shepardson, Esq., Whiteman, Osterman & Hanna LLP

BACKGROUND
On September 26, 2018, the Federal Communications Commission issued a Declaratory Ruling and Third Report and Order (the order) that pre-empts certain state and local regulatory authority claiming that existing local regulations hinder the deployment of 5G infrastructure. The order was published in the Federal Register on October 15, 2018 and becomes effective on January 14, 2019. Local rules concerning aesthetic concerns must be publicly available 90 days later. According to reports, several localities on the west coast have already commenced appeals to challenge the FCC’s

See: FCC Order on Page 15

Court of Appeals Upholds Localities’ Ability to Tax Certain Telecom Equipment

In a recently issued Court of Appeals decision, T-Mobile Northeast, LLC v DeBellis, 2018 NY Slip Op 08539 (Ct App Dec. 13, 2018), the court upheld local governments’ authority to tax certain telecommunications equipment mounted to the exterior of buildings, such as cabinets that house wiring and provide battery power and antennas that transmit and receive signals, as real property.

Real Property Tax Law (RPTL) defines what constitutes real property for taxing purposes. In the 1980s, some legislative amendments were made to help clarify what telecommunications property could be taxed as real property. Local governments proceeded to tax this equipment as real property until 2012 when the First Department Appellate Division issued an opinion finding that this type of equipment did not fall within the definition of real property found in the RPTL.

However, in 2016, the Second Department examined the language of the statute and found that the equipment did fall within the definition. The recent Court of Appeals case resolved the different interpretations of the appellate divisions by stating that the plain language of the RPTL encompasses this type of telecommunications property.

Look for an in depth analysis of the case in the next issue of Talk of the Towns & Topics. □
action claiming, among other things, that order amounts to a federal overreach. The FCC’s goal to streamline a fast rollout of 5G technology appears directly at odds with municipalities’ claims that they should retain authority to set standards and fees for such equipment being placed in public rights-of-way.

IMPACTING MUNICIPAL AUTHORITY

The order focuses on facilitating the installation of “Small Wireless Facilities” necessary to densify wireless networks for 5G services. As noted by the challenges already commenced against the order, local governments are concerned that the order will compromise their ability to maintain and ensure the safety of the public rights-of-way.

The order provides that municipalities retain some limited, yet significant, power to enact regulations. This may help localities maintain leverage with service providers and address important community issues, such as design of antennae attachments, location and even spacing.

FEE LIMITATIONS

The order establishes guidelines for various local fees that municipalities typically charge that presumptively comply with Sections 253 and 332. Municipalities object, it has been reported, that these nationally uniform fees are not realistic and do not take into account the varying municipal costs across the country. Municipal costs typically include staff time to review the application(s), use of the right-of-way and costs associated with maintaining the right-of-way and structures within the right-of-way where such Small Wireless Facilities will be attached. The order establishes a presumptively valid fee schedule for these costs.

Can a municipality charge a higher fee?
Perhaps, in limited circumstances, a locality may charge fees that are above the federal-authorized fee levels by establishing that such fees comply with the limits imposed by Section 253 — specifically, that they are (1) a reasonable approximation of the municipality’s costs and competitively neutral, (2) those costs themselves are reasonable, and (3) are non-discriminatory, i.e., fees can be no higher than the fees charged to similarly situated competitors in similar situations. However, such fees charged above the FCC’s presumptively valid fees must be very carefully considered, or a service provider could commence an action challenging them. The presumptively reasonable fees under Section 253 or Section 332(c)(7) include:

1. $500 for a single up-front application that includes up to five Small Wireless Facilities, with an additional $100 for each Small Wireless Facility beyond five,
2. $1,000 fee for a new pole (i.e., not a collocation) intended to support one or more Small Wireless Facilities, and
3. $270 per Small Wireless Facility per year for all recurring fees, including any possible right-of-way access fee or fee for attachment to municipally owned structures in the right-of-way.

**AESTHETICS**

Cities, towns and villages are concerned with the aesthetics of their municipality. Given the anticipated huge number of 5G facilities to be deployed in local communities in the
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The Association of Towns is proud to work with Firemen’s Association of New York (FASNY), the Association of Fire Districts of the State of New York (AFDSNY), and the New York State Association of Fire Chiefs (NYSAFC), as well as the New York Conference of Mayors (NYCOM), New York State Association of Counties (NYSAC), Comp Alliance and PERMA as sponsor of this program.
near future, it appears incumbent on municipalities to act quickly to protect residents and streetscapes, balanced against the provision of telecom services for residents.

The FCC Order provides guidance to municipalities concerning aesthetic requirements that will not be preempted, provided they are (1) reasonable, (2) non-discriminatory, no more burdensome than those applied to other types of infrastructure deployments and (3) published in advance.

It may behoove municipalities to develop standardized aesthetic requirements, such as pre-approved antennae, equipment cabinets, spacing requirements and street furniture designs (colors, locations), where appropriate and include them in rights-of-way use and access agreements with providers. This action would assist in avoiding unsightly or out-of-character future deployments. It would also appear to help make processing such applications easier for localities in a reasonably expeditious manner and help defend challenges to their siting decisions for failure to meet shot clock deadlines, as discussed below.

NEW SHOT CLOCKS

The FCC established new shot clocks that apply to “all authorizations necessary for the deployment of personal wireless services infrastructure, including building permits and road opening permits” by local governments on an application to deploy a small cell:

1. 60 days for review of an application for collocation of a small cell on a preexisting structure, and

2. 90 days for review of an application for attachment of a small cell using a new structure.

In an apparent nod to municipal objections, the FCC Order, as published in the Federal Register, changed the language from the original order to provide for a new “modified tolling system,” which will “restart” the shot clock in certain circumstances. The modified tolling system is intended to ensure that the service providers submit complete applications at the beginning of the review process. For Small Wireless Facilities applications, the municipality has 10 days from the submission of the application to determine whether the application is incomplete. The shot clock then resets once the applicant submits the supplemental information requested by the siting authority. Effectively, the municipality would have 60 additional days for review.

Under the FCC Order, failure to meet these deadlines results in a presumption that a municipality has not acted in a reasonable period of time, and will be deemed a presumptive prohibition on the provision of personal wireless services, per Section 332, and subjects the municipality to potential
litigation with the service provider. The FCC stated it would expect that, upon notifying the local authorities of the expiration of the shot clock, the service provider would be issued the necessary permits “absent extraordinary circumstances.” If the necessary permits are not issued, according to the FCC, the service provider would have a “straightforward case” for obtaining expedited judicial relief.

WHAT SHOULD A MUNICIPALITY DO?
Municipalities are in the frontline of the battle-ground under the FCC Order and should prepare for a possible onslaught of applications from service providers seeking to deploy 5G technology within localities, primarily within municipal rights-of-way. Indeed, the battle has already begun. Reasonable steps might include:

1. Take immediate steps to enact reasonable zoning and other regulations to address important community issues.

2. Such regulations might include antennae design, location spacing, additional pole and equipment aesthetic requirements.

3. This will help the locality to maintain some leverage in possible negotiations with service providers.

Please do not hesitate to contact Thomas A. Shepardson, Esq. for additional information at 518-487-7663 or tshepardson@woh.com.

Disclaimer: This update is intended to be a general summary of the law and does not constitute legal advice. If you have concerns about the impact and effect on your municipality, you should consult with counsel to determine applicable legal requirements for a specific factual situation.
Working with the media is an important aspect of any public official’s job. Media outlets provide important channels for government departments to disseminate information relevant to local communities. There are many best practices and techniques you can use to improve your relationship with the media, which in turn, can help improve the overall work of your department as you interact with the public.

WHY GOOD MEDIA RELATIONS ARE IMPORTANT FOR LOCAL HIGHWAY AND PUBLIC WORKS DEPARTMENTS

In the highway and public works sector, working with the media is especially important when considering the critical information that must be provided to the public by local roads departments. During weather emergencies, throughout construction projects, or when building support for department needs such as a new building or specialized piece of equipment, the media provides a conduit that local highway departments can use to convey messages to the community.

At the state level, using the local media has become an integral component of communicating critical information to communities where projects are planned or underway. According to a 2011 National Academy of Sciences Study, 83 percent of state agencies surveyed relied on relationships with key media outlet staff to access audiences and get the word out about complex urban projects. Agencies also indicated that they relied on free access to television and radio over paid messages at a 4:1 ratio.

WORKING WITH REPORTERS AND NEWS OUTLETS

Media relationships are professional and built on trust. Making the effort to create a strong working relationship with reporters is a long-term endeavor that will pay off over time. Reporters are always trying to efficiently tell stories that are interesting to their audiences, so it is natural that reporters will connect with sources that they know and trust.

There are many strategies you can implement that can increase your chances of getting good news coverage. Often times, stories about
people garner greater interest than stories about policies and programs. Whenever possible, it is beneficial to add verified facts, figures or statistics to a story because they add interest and provide legitimacy to the narrative.

It is a journalist’s job to quickly report accurate information, and consequently, it is important for local officials to be aware of news deadlines. The earlier you can provide an outlet with information for a story, the better the chance it will be used, and asking a reporter about their deadlines is a good way to stay on track.

It is also important to understand that in today’s world, there are various types of “alternative” media sources such as blogs and social media that do not follow professional journalistic standards such as source attribution and fact verification. Before you talk to someone about a news event, make sure you are speaking to a representative of a familiar or verifiable news organization. Thinking about how to respond to gossip, viral stories, or inaccurate reporting is important when engaging in overall media relations – quick, factual responses are a must!

GIVING GOOD INTERVIEWS

It is always important to be as prepared as possible when giving an interview. Prior to interviews, it is acceptable to ask certain questions so you can have a better feel for the story as a whole and your role in it. Who else will the reporter interview? How much does the reporter know about the interview topic? How long will the interview take? Where’s the interview location? When will the story run?

Sometimes you need to say “no” to an interview. Be prepared to say why because your refusal may be mentioned in a story. In certain circumstances, declining an interview may be a better option than interviewing unprepared. If you’re not the right person to be interviewed, try to help the reporter by directing them to the appropriate choice.

Anticipate the questions of who, what, where, when, why and how much. When discussing cost, funding or expenses, it is important to answer questions factually and openly. Keep in mind that when public dollars are involved, the public has a right to know, and citizens have a variety of means to find out details on their own.

Sometimes you will have to deal with difficult interviews and negative stories. Be honest and accurate. Double-check and even triple-check any facts and figures used. Once inaccurate information is distributed, it’s hard to pull it back, and accidental inaccuracies will often be mistaken for dishonesty. Let the reporter know when you need to look up information and get back to them before the deadline. Avoid responding with “no comment” as it sounds as though there is something to hide. It is helpful to establish and retain control in tough interviews by repeating and transitioning to key messages. Take your time answering, and don’t give spontaneous, poorly thought-out responses.

If you are on camera, it’s helpful to think about the background of the shot, which might include job safety. Express confidence and professionalism in your posture, act natural and relaxed, and talk to the interviewer, not the camera. When interacting in face-to-face interviews, remember that cameras and microphones are always on, so stay energized and on guard.

Finally, you can protect yourself and your organization by making notes, or tape recording interviews to refer back to if needed. When doing radio or TV interviews over the phone, ask beforehand whether the

See: Media on Page 23
information is being broadcast live or taped and consider submitting written responses to questions when necessary. Always correct errors—don’t let them become “facts.”

**EFFECTIVE PRESS RELEASES**

Make sure that the information you want to convey in a press release is useful, and has value to the public in some form. Even a well-written press release will be ignored if the media outlet determines that the release will not be useful to their audience. When determining what is useful, think about who your audience is and think about what specific media outlets provide the best connection to that particular group. A press release may have value, but sending one to the wrong type of media outlet will most surely leave it unreported. For instance, a large regional metropolitan print newspaper may have a wide reach in terms of subscribers and area served, but is less likely to print a news release about a small local project in a far-flung region. Furthermore, a small print publication that is focused on sports will likely not be interested in local transportation issues.

Ensure that press releases are not redundant. Oversaturating a news organization with press releases on the same type of topic will not only lead a news organization to ignore the releases, but will cause them to build a habit of ignoring your organization entirely. Remember, news is meant to be relevant, interesting and special for an audience.

**ELEMENTS OF A PRESS RELEASE**

It is important to remember that a press release is a brief informational bulletin meant to convey information that can be disseminated by news outlets or on digital forums such as government websites. Press releases should be concise and have information that can be easily transposed into other formats, such as a printed newspaper or read clearly during a broadcast. The six most important elements of a good press release are: Who, What, When, Where, Why, and How.

**Who**

Who are the people involved, or whom does the story affect? Make sure that local news has a local focus with regard to the “who.” If you are directing people to other sources, be sure to include all the relevant contact information, website URLs, etc.

**What**

What is the subject or substance of the announcement? Is this new information? Is the information industry-specific or technical and if so, how will you write it so that the general public can
understand (i.e. avoid jargon that is not relatable to most people)?

**When**

When is the event happening or when did it happen? Is there a deadline, as in the case of event registrations? Is there a start date or end date? In the event of emergency events, be sure to cite the appropriate range, for instance; “Hazardous winter weather conditions will persist through the weekend, according to the National Weather Service.”

**Where**

For highway and public works, it is important to let folks know where any work is being done, especially if it may result in a delay or detour. Be clear and give both directional information and local landmarks. For instance, say the north side of town near the elementary school, not just the north side of town.

**Why**

Why should the local community care? Does the information directly affect the community, and if so, how? What is the point behind your release, and good or bad, what is the connection to the people reading it?

**How**

Provide as much detail as possible. If something negative occurred, describe what happened but do not attempt to place fault or blame. Remember, press releases are there to convey information, not to persuade people of an argument or excuse!

Finally, as with all media communications, it is important to make sure that press releases are constructed to have the maximum chance of being shared by the outlets you send them to. A quote from a senior official, such as the highway superintendent or town supervisor, can be added because official quotes are often used by media outlets when constructing stories. It is also a good idea to attach high-quality digital images related to the event described by the press release. Stories, whether in print, on the web, or on television, are built on visual depictions of events, so including quality images will increase the odds of your release being covered in the news.

**TRACKING AND USING YOUR MEDIA COVERAGE**

One of the best ways you can promote the good deeds of your department is by sharing your positive press coverage over time. The public relations value of positive news stories can be priceless. Building the habit of amplifying good coverage by tracking and distributing good news though whatever channels you have available to you is always advantageous to your department’s overall image. If you have the ability to post positive media coverage online, either on a department website or via social media, do so. Accolades and good deeds should not go unrecognized, and a positive story can both bolster your standing in the community and increase morale among your workers.

It is also important to not ignore negative coverage. Tracking both positive and negative press gives you the ability to spot trends, understand the public’s perception of your work, and see if the changes you make are having a positive impact. Reviewing press coverage and tracking it over time is also an important method you can use to remain accountable to the public and can help you stay focused on making operational improvements.

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A WORTHWHILE RELATIONSHIP

Local highway and public works officials face many challenges in their roles beyond maintaining the roads, bridges and public infrastructure. The media plays an important role for transportation officials who must communicate with the public year-round in order to execute their plans and build support for operations while keeping the public and highway employees safe.

Building strong ties with local news outlets can improve every aspect of how a highway superintendent interacts with the public. Trust, reliability and understanding form the cornerstones of a positive, productive relationship with the media. At the end of the day, having an informed public that understands how much local transportation agencies do for the community can be one of the most important “roads” a highway or public works department can build.

Sources and Resources

Institute for Local Government Media Relations
http://www.ca-ilg.org/media-relations

Spring 2017 Cornell Local Roads Program Nuggets & Nibbles Newsletter “Effective Media Relations” Article

Purdue Online Writing Lab - Writing Press Releases
https://owl.purdue.edu/owl/subject_specific_writing/journalism_and_journalistic_writing/press_releases.html

Techniques for Effective Highway Construction Projects in Congested Urban Areas (2011)
https://www.nap.edu/catalog/14485/techniques-for-effective-highway-construction-projects-in-congested-urban-areas

Ready.gov Crisis Communication Plan Webpage
https://www.ready.gov/business/implementation/crisis

From Page 24: A Strong Relationship with the Media can Pay Dividends when it comes Time to Drum up Support for a Highway Project
Mapping Stormwater Infrastructure

A Case Study in Maximizing the Benefits of Collaborative Municipal GIS Data Management

By Christopher M. Kobos, PMP, Director of GIS Services, H2M architects + engineers and Jennifer Zunino-Smith, Environmental Educator, Cornell Cooperative Extension - Rockland County

New York State’s Department of Environmental Conservation Phase II Stormwater permit requires MS4s to map and routinely inspect stormwater outfalls and infrastructure. The use of new GIS technologies can drastically improve stormwater data collection efficiency and accuracy. For the Stormwater Consortium of Rockland County, the deployment of ArcGIS Online and Esri’s Collector for ArcGIS app extended the reach of GIS stormwater data and inspection forms to field personnel without the need for specialized data collection equipment. Funded through a shared services grant, this project provided 23 communities with a common, standardized data collection platform, format and protocol. By working together, with a wider, regional view, the consortium’s project demonstrates how to improve municipal efficiencies and elevate standards by working cooperatively.

Originally established and enacted in 1948, the Federal Water Pollution Control Act provided a formal structure for monitoring and regulating water quality and known discharges to the waters of the United States. Amended significantly in 1972, and given its current name, the Federal Clean Water Act (CWA), continues to require states to periodically assess and report on the quality of waters in their jurisdiction.

In conjunction with the CWA, New York State maintains its own program of stormwater evaluation and reporting requirements to further protect its waterways. The New York State Pollutant Discharge Elimination System (SPDES) Permit Program aims to “eliminate the pollution of New York waters and to maintain the highest quality of water possible consistent with: public health, public enjoyment of the resource, protection and propagation of fish and wildlife, and industrial development in the state.”¹ As such, local governments operating municipal separate storm sewer systems (MS4s) must routinely monitor and document the health of their drainage systems. The DEC MS4 permit also requires that MS4s located “within the boundaries of a Census Bureau defined ‘urbanized area’ are regulated under EPA’s Phase II Stormwater Rule.”² This requires that they implement a series of preventive actions, known as minimum control measures (MCM), which together, should reduce the overall level of pollutants discharged to local bodies of water.

Rockland County, NY is located approximately 9 miles northwest of New York City, covering an area 200 square miles in size. With an estimated population of 330,000, the county consists of 24 separate governing bodies, comprised of five towns and 19 incorporated villages. Each government body is individually responsible for inspecting and reporting on its own MS4. Recognizing the opportunity to improve consistency and efficiencies throughout the county, the group of governments formed the Stormwater Consortium of Rockland County (SCRC), guided by educators and conservationists from Cornell Cooperative Extension of Rockland County and the Rockland County Soil & Water Conservation District (SWCD).

Project Goals

Collectively, the Stormwater Consortium of Rockland County strives to meet the requirements of the NYSDEC SPDES Phase

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II MS4 requirements, and per its mission statement, strives to seek funding that may help to accomplish this goal. On behalf of 23 of its 24 member municipalities, the consortium applied for, and was awarded a Round 12 NYSDEC Water Quality Improvement Project (WQIP) grant totaling $410,000. The consortium’s grant-funded project would consolidate the 23 municipal sources of outfall location information and simplify the process of outfall inspection and reporting going forward, collectively taking steps toward meeting requirements of Minimum Control Measures III, IV and V of the MS4 Permit. The in-field, data collection portion of the project was designated for the consortium member municipalities, while the GIS data design and development activities were reserved for professional consultants. The project goals for the chosen consultant, per the consortium’s publicly issued RFP, were to “develop a centralized stormwater management mapping database utilizing a mobile application to digitize stormwater assets, update field records and enhance monitoring.”

CCE and the consortium hired H2M architects + engineers (H2M) out of Suffern, New York to support its program with GIS data development, system administration, advisory services, mobile application development and user training.

**Approach**

Tasked with the responsibility of consolidating disparate outfall location data and simplifying the stormwater consortium members’ outfall inspection and reporting process, project leaders sought to leverage the latest in GIS technology. A Geographic Information System (GIS) is a set of technologies that can house vast amounts of location-based data in a single repository. The true power of GIS is its use of an interactive map interface to drive the management, storage, and analysis of spatial data.

- **Database Design**

Initially, each of the participating municipalities transmitted their most current outfall location information to CCE and H2M. Due to the existence of 23 individual stormwater protection programs, this data existed in a myriad of formats including Excel spreadsheets, Word documents, CAD drawings, GIS data, PDF maps, and even hand-drawn maps. In order to create a single, consortium-wide outfall database and update procedure, these sources had to be consolidated into a common and agreed upon GIS geodatabase. Leveraging Esri’s ArcGIS Solution for Water (an industry-specific GIS database schema and system configuration package available for Esri users), a central repository was designed to house the consortium’s outfall location data. Into this single geodatabase repository, the GIS team georeferenced, converted, transposed, and digitized the consortium’s source data into one GIS feature class representing the outfall locations and attribute information provided by all of the municipalities. In total, GIS point features were created for 2,483 individual outfall locations within the GIS feature class. Combining the consortium’s data into a single, common database structure, ensures that future additions and revisions made to the information will be done in a consistent manner, independent of past individual workflow preferences and record-keeping methods. Data updates going forward will be managed through a singular access point, within a comprehensive, shared GIS database.

- **Accessibility**

Another one of the stormwater consortium’s goals for this project was to improve the process by which regional stormwater data is accessed, stored and maintained throughout the county. By establishing a single point of access, the project would eliminate the need for 23 separate storage systems, thereby boosting the shared fiscal and time savings, while reducing redundancy between consortium member municipalities. To achieve the consortium’s goal of a shared...
From Page 27: Consortium Optimizes GIS Mapping to Ease Stormwater Data Collection for 23 Municipalities

stormwater data platform, H2M’s GIS team acted as liaison with Esri and facilitated the establishment of an Esri ArcGIS Online account for the consortium. Within the single ArcGIS Organization, 30 unique user accounts were created for municipalities and administrators to access and edit their stormwater data. By creating a single organizational account, the entirety of the consortium’s data would be available to the Cornell Cooperative Extension and the Rockland County Soil & Water Conservation District, who oversee the consortium and regional stormwater initiatives. Each of the contributing municipalities, however, were given access only to their own data, thereby maintaining accountability for data entry as well as the high-level of desired security.

The next step was to develop a separate ArcGIS Online GIS map for each municipality. Shared through the consortium’s administrative account, each map displays only the outfall data owned and maintained by each particular community. This technique enabled a single source of underlying GIS data, while limiting access to the owning community. Additionally, this map enables user-controlled editing of the outfall GIS data. Each municipality can view and edit only its own information, yet the source is a single set of data managed and distributed by the consortium.

In addition to a community-specific outfall map, a secondary reference map for each participating municipality was also created. The reference map was designed to provide access to relevant and freely available environmental data. Adding the data into a single, reference map facilitates simplified research and follow up for stormwater related environmental questions. The reference data includes NYS section 303(d) impaired water bodies and any TMDL designations, EPA and NYS Permitted Discharges, USGS National Hydrologic data, Federal sub-watersheds, EPA Waterbody Quality Assessment reports and Stormwater Management Practice (SMP) locations and status, as required by the (SPDES) General Permit for Stormwater Discharges from construction activity. Each dataset provides focused insight into local drainage activities and issues, enabling data-driven decision making.

- **Data Collection Workflow**

The primary goal of the project was to implement a process by which the participating municipalities could inspect and report on the health of their stormwater outfalls. This was achieved by integrating a GIS map and mobile data collection workflow.

Funded in part by the WQIP grant, the stormwater consortium purchased an Asus ZenPad 3s10 Android tablet and Bad Elf Pro+ handheld GPS unit for each participating community. This equipment is used by the municipalities to find, inspect, and verify the locations of their respective stormwater outfalls. Esri’s Collector for ArcGIS and Survey 123 apps were loaded onto the tablets, providing mobile access to the consortium’s ArcGIS Online maps and outfall data. A designated representative from each participating municipality can connect to the online map, view it live, or download pertinent data onto the tablet for the day, and then collect outfall data in the field. The designed solution enables editing of data while connected to the internet, but also while disconnected from any network, such as in remote areas. This workflow supports communities with access to widely available wi-fi, as well as those who must work offline.

While in the field, municipal representatives access the latest outfall data within the Collector for ArcGIS app. Pairing the bluetooth-enabled branded device, participants are guided to the precise outfall locations stored within the GIS. Once users are onsite, outfall locations can be confirmed or updated to reflect a more accurate location, based on the coordinates reported from the mapping-grade, bluetooth GPS device. This process expedites the outfall location process, as
well as the entry of revised location information, which is streamed directly through the bluetooth GPS device, thereby eliminating the need to transpose lengthy coordinate values.

After confirming the physical locations of the outfalls, municipal representatives use Esri’s Survey 123 app to complete the outfall inspection process. Survey 123 is an app that provides an electronic form interface for simplified, and more consistent data entry, which was designed based on the specific needs of the participating consortium municipalities. They can now quickly and easily collect outfall information related to size, material, existence of dry-weather flow, and any field-testing results. Where possible, entries are limited by appropriate responses, available by drop down lists instead of open text entry, which often leads to errors and typos. Because Survey 123 is integrated with the municipality’s ArcGIS Online user account, the data is directly associated with the corresponding outfall location within GIS. This information can also be output to a prepared electronic form, thereby eliminating the need to complete secondary Illicit Discharge Detection and Elimination (IDDE) Outfall Reconnaissance Inventory (ORI) forms by hand.

Upon completion, field data is synchronized between Survey 123, Collector for ArcGIS, and the consortium’s ArcGIS Online account. This process updates the consortium’s master outfall dataset to reflect the current location and field-confirmed characteristic of the region’s outfalls. To date, the consortium members have verified and inspected 2,547 stormwater outfalls within Rockland County.

**Results & Benefits**

The stormwater consortium’s efforts to centralize data collection activities and resulting information continue to demonstrate that shared
municipal services benefit all that contribute.

- **Collaboration**

The results of this project are simple, yet powerful. The Stormwater Consortium of Rockland County now hosts and maintains a single, centralized, field-verified regional outfall dataset. Perhaps the greatest benefit of the project is the ability for local leaders and stormwater managers to access regional stormwater data in a single location, thereby facilitating informed decision-making for the county as a whole. Local municipalities also no longer have to maintain their own separate stormwater database, update procedures, or mapping environments. The consortium’s database and ArcGIS Online map have drastically improved accessibility, the potential for data sharing, and the ease with which member municipalities can update their stormwater data. Another benefit to the consortium’s participating municipalities is the reduction of duplicative management processes, databases, and software expenses.

- **NYSDEC Requirements**

The consortium’s centralized map also provides communities the capability to collectively meet requirements of Minimum Control Measures III, IV and V of the NYSDEC SPDES General Permit. These measures are met by creating a master electronic database of all stormwater outfalls and stormwater management practices in the county. Utilizing the field tablets, outfalls were accurately GPS located and field inspected, a requirement of MCM III. The NYSDEC construction database is included in the reference data, helping to meet the requirement of accessible information on current inspection sites, as required per MCM IV. Additionally, the current stormwater management practices (SMP) throughout the county are now visible, as required per MCM V.

**Next Steps**

In subsequent phases of the Water Quality Improvement Project, the consortium’s database could be expanded to include data in support of additional MS4 permit MCM requirements. Due for release in March 2019, the revised draft MS4 permit will likely contain additional data and reporting requirements, best accommodated by an advanced regional GIS. Ultimately, the goal of the consortium’s stormwater projects is to develop one unified database of stormwater outfalls, stormwater management practices, and the entire stormwater conveyance system within Rockland County to aid in regional discussions, evaluation, and decision-making.

For more information, please contact Christopher M. Kobos, PMP, Director of GIS Services at H2M architects + engineers 631.392.5359 or via e-mail C Kobos@H2M.com.

(Endnotes)


Local Government Citizens Reorganizations Empowerment Grant (Implementation) 9

- NYS Department of State

The CREG program assists local government entities that are studying or implementing a “local government re-organization,” which includes 1) the dissolution or consolidation of a local government entity in accordance with General Municipal Law (GML), Article 17-A; or 2) the establishment of a new town-village, which operates principally as either a town or a village (but not as both) in former place of a town and a village. The term “local government entities” includes most general purpose local governments and special improvement districts (SFL section 54(10)(q)(i)). The goal of the Local Government Citizen’s Re-Organization Empowerment Grant Program is to reduce municipal expenses and property taxes through local government re-organization or through alternative actions if re-organization is not feasible.

For a Local Government to apply for this opportunity, please go to www.grantsgateway.ny.gov, click on the login link and search “Available Opportunities.”

Contact Name: Kyle Wilber
Contact Email: Kyle.Wilber@dos.ny.gov
Application due date: March 27, 2019 at 4 p.m.

Grants Training Feb. 7-8, 2019

SUNY Oswego Division of Extended Learning and Grant Writing USA will present a two-day grants workshop in Syracuse, February 7-8, 2019. Beginning and experienced grant writers from city, towns and county agencies are encouraged to attend.

We are excited to offer Association of Towns members and their staff a special tuition rate of $425, which includes: two days of terrific instruction, workbook, and access to our Alumni Forum that’s packed with tools, helpful discussions and more than 200 sample grant proposals. Please use discount code “NYASSN” to receive this discount at registration. Multi-enrollment discounts and discounts for Grant Writing USA returning alumni are also available. Tuition payment is not required at the time of enrollment.

Complete event details including learning objectives, class location, graduate testimonials and online registration are available at: http://grantstraining.com/syracuse19.

Contact: Janet Darling, Grant Writing USA, 888.290.6237 toll free, or e-mail: janet@grantwritingusa.com.
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Register today by visiting www.compalliance.org and clicking on Members in the top right corner

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뇌 Training courses including safety flyers, posters, presentations, quizzes and completion certificates on a variety of topics
뇌 Narrated safety Power Point presentations
뇌 Expanded library of safety training videos
뇌 Videos of state mandated public employee training topics (workplace violence, sexual harassment, bloodborne pathogen, right-to-know, and HAZWOPER)

This NEW online safety resource center is just one more way that the Comp Alliance helps our members reduce their risk exposure and control their workers’ compensation costs.

For More Information or a Quote, Please Contact: Aaron Reader, Director of Client Services
Phone: 315-725-8077 - E-mail: areader@wrightinsurance.com - www.compalliance.org
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