

TALK OF THE towns & TOPICS

SEPT/OCT 2020

Tee Time?

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an economic development
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see story page 12



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Flexibility for Budgets

By Executive Director Gerry Geist



This time of year, you'd usually be seeing announcements and registration information on our Annual Meeting. At the time of this writing, we are still undecided about a few details but want our members to know that we are exploring all potential options to provide the best training in the safest way possible. What that will ultimately look like, we will let you know soon, so please stay tuned.

In a really pleasing turn of events, during the final days of August, the governor signed a fantastic bill that we believe will really assist our members in finding some financial flexibility as you sit down to develop your first post-COVID budgets.

This bill accomplishes a number of things 1. It allows bond anticipation notes to rollover for 7 years instead of 5; 2. It allows towns to spend money from capital reserve funds for capital costs related to COVID-19 without being subject to a permissive referendum; 3. It allows towns to temporarily borrow money from reserve funds for COVID-19-related expenses so long as at least 20 percent of what's borrowed is returned each fiscal year; and 4. It gives towns another year to pay back interfund advances. AOT worked closely with the comptroller's office on this bill from the very beginning and is grateful to our friends in the Legislature, Assemblyman Fred Thiele and Senator Liz Krueger for sponsoring it.

This added flexibility may come in particularly handy as towns navigate a lot of budget

uncertainty. To date, there have been no official cuts in state aid to localities funding, although some funding is being delayed for the moment. State funding cuts will largely depend on what happens at the federal level, but towns may want to prepare for that possibility.

We've had some great turnout and feedback about our virtual training sessions. Our Planning and Zoning Virtual School registration numbers are through the roof as well, so we thank you all for your support, and we are very happy that even if we can't meet in person, that we are still able to bring you the training you've come to expect and rely on to best serve your communities. Whatever shape our future training takes, you can be sure that we will provide as much of it to as many members as possible.

As we head into fall and then winter, I just want to take a moment and tell our members to hang in there: we hear you and we are here for you in whatever capacity you might need us. It's not an easy world out there right now and all signs point to it getting a little bit rockier before it gets better. We at the Association commend you for staying the course, being innovative in times of overt stress and for just not giving up. We have joined you in adapting to what support might look like now in a post-COVID world, whether it's meeting and training virtually, being more flexible in schedules and just being open to where the socially distanced road takes us. See you soon, however that looks. □



Creating Age-Friendly Communities *A Billion-Dollar Investment*

By Tim Laberge, Community Development Specialist and Nicole Allen, AICP Planning Services Manager

Quick Poll...

1. When you retire, will it be in New York?
2. Will it be in the current town you live in?
3. Will your parents need to live with you in the future?
4. Is your community age-friendly?

Age-friendliness is the process of accommodating the shifting needs of aging residents within a community, and creating communities that are inclusive of, respectful of, and empathetic to the needs of aging residents.

Why should we care?

If not for our own aging needs, or consideration of the needs of our aging parents, it has been documented that the aging baby boomers are worth billions!

In 2014, the American Association of Retired Persons (AARP) reported that New York State's retiring workforce was estimated to be worth \$179 billion a year to the state's economy – that is IF they retire in New York. But according to the AARP, 60 percent of working boomers will retire in "age-friendly communities" outside of New York, taking with them more than \$105 billion annually.

As the boomer generation approaches and enters retirement age, communities across the country are forced to confront the needs of aging populations or face the economic consequences. Age-friendly practices should be adopted, not only as a means toward mitigating potential future challenges, but also as a strategy to enable aging residents to stay in our New York communities while attracting additional seniors if possible.

In December 2017, Governor Cuomo designated New York State as the first age-friendly state in the country. As a result of the designation, a new network of services became available to NYS residents, and age-friendly principles began to be included in state policies. To achieve this designation, New York ranked high in the eight age-friendly and livable community criteria outlined by the World Health Organization (WHO) and AARP. These include senior-friendly:

- Outdoor spaces and buildings;
- Transportation;
- Housing;
- Social participation;
- Respect and social inclusion;
- Work and civic engagement;
- Communication and information; and
- Community and health services.

This formal designation as an age-friendly state will help New York reap the economic benefits of retaining our aging citizens. Implementing age-friendly policies at the municipal level to maintain and improve upon these criteria will bolster our communities' ability to provide commodities and institutions that support the lifestyle choices and physical requirements of aging baby boomers and potentially provide a boon to local economies.

So why are Boomers Leaving New York?

New York State has more than 4 million baby boomers, and this population cohort has demonstrated that they are living longer lives and demanding more services. When asked by AARP why they are leaving New York, 40 percent of baby boomers indicated that they worry about paying their rent or mortgage, and 55 percent are concerned about property taxes. In addition, a large majority is looking for improvements in transportation (66 percent).

To keep our baby boomers, New York municipalities need to address these pragmatic challenges by examining plans and land use regulations to identify, guide and codify "age-friendly" solutions into our local landscapes.

Baby Boomer Transportation & Mobility Needs

Communities often allocate significant time, money and resources to developing planning initiatives and projects that address recreational, social, and economic needs. One area that often gets overlooked is the physical importance of the street. A street is not solely a place for cars to move efficiently. "Complete street" policies are helping communities across the country rethink the design of their streets and built environment to better align with community needs and values, offering people an array

of choices and options for mobility. Complete Streets are designed and operated to enable safe access for all users, including pedestrians, bicyclists, motorists, and transit for residents and visitors of all ages and abilities.

To initiate age-friendly planning, towns should explore Complete Street design solutions and take steps to expand pedestrian, bike and transit networks that will provide our aging residents with a selection of safe options for improved mobility. In order to facilitate safer pedestrian movement for aging citizens, towns should investigate and vet the following pedestrian improvements:

- Connected sidewalks;
- Crosswalks at key intersections;
- Street trees that define public space and separate pedestrians on sidewalks from moving vehicles;
- Pedestrian-scaled lighting (generally, not taller than 15 feet) in addition to standard street lights;
- Continuous, connected bike

facilities, which may include bike lanes or sharrows (shared bike/ auto lanes). Buffered bike lanes (separated from moving vehicles by curbs, striping or landscaping) or off-street multiuse trails are particularly suited to aging community members.

- Neighborhood streets designed for slower travel speeds (installing traffic calming devices for cars if needed) to make it safe for cyclists to share the road.

Bike paths and bike lanes are increasingly relevant to our aging population as trends show that baby boomers are biking for low-impact exercise and transportation to markets and town centers. The advent and proliferation electric bikes has had a positive impact on mobility for seniors. One recent study found that baby boomers make up the largest cohort of electric bike owners or interested consumers,¹ while another survey found that more than 67 percent of electric bike owners were age 45 or older² and many of these are of



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the baby boomer generation. The electric systems on these bikes give aging riders the ability to ride longer distances, pedal on mixed terrain that may have been too challenging without the aid of the built-in motor, and ride in groups with friends and family members of all capability levels.

Public transportation improvements are another essential means of connection between residential homes and the commercial districts that provide the services and shopping opportunities necessary to sustain independent living and a high quality of life. To retain our aging residents, towns should explore opportunities for more robust and senior friendly transit service, including more frequent headways and increasing routes that serve our aging population.

Baby Boomer Housing Needs

Existing residential development throughout much of New York is typified by single-family homes. Older homes frequently occupied by aging residents suffer from issues not generally found in more modern homes, and repairs can be beyond

the financial or physical means of an aging population. Baby boomers are also more likely than younger cohorts to own their home. The housing challenge is compounded by the fact that many older residents prefer to live independently within a home as long as possible rather than moving into assisted living.

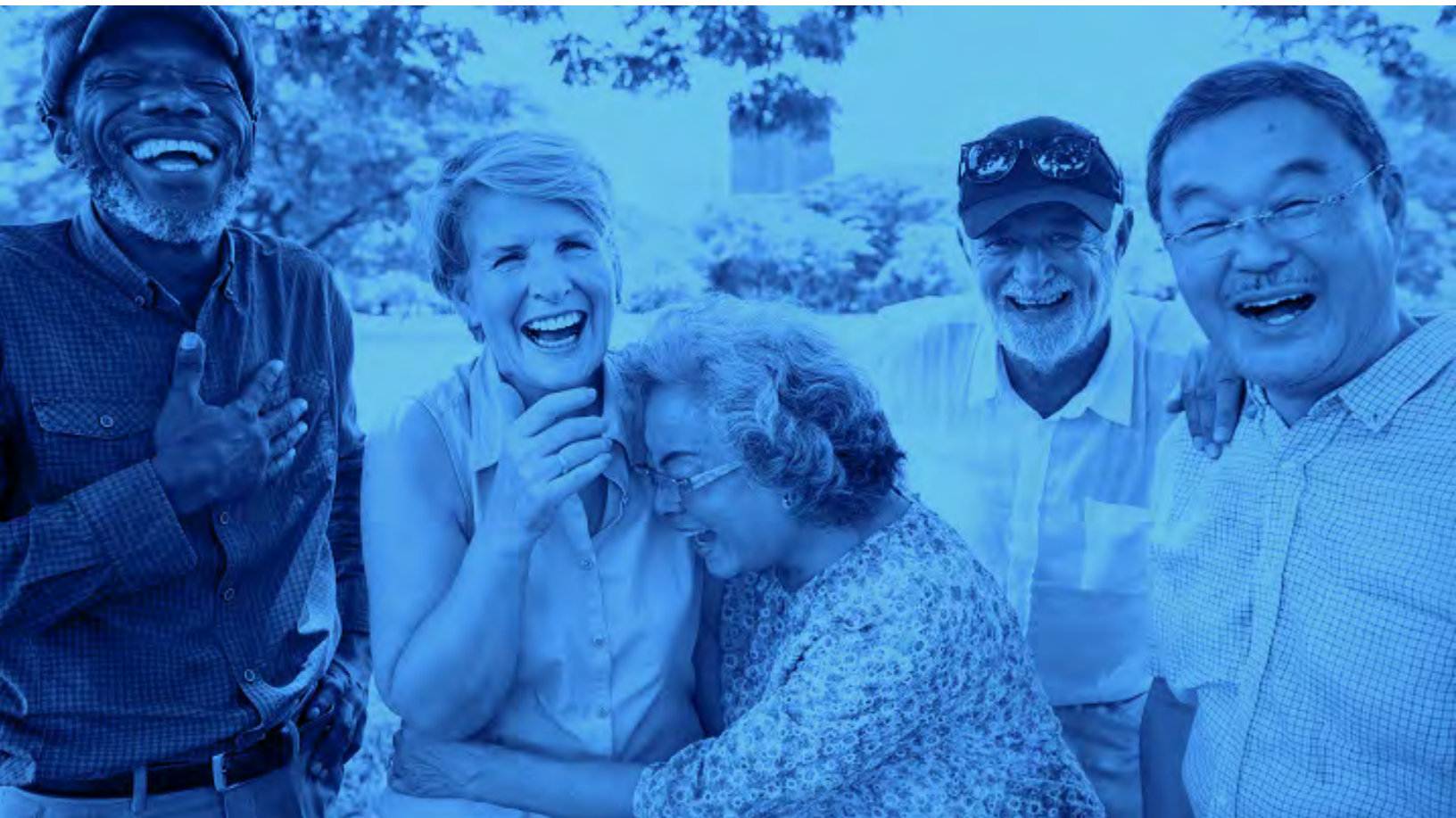
Municipalities can address these issues and provide residential solutions through zoning regulations and/or form-based-codes that accommodate the change in housing needs. A variety of “senior-type housing” options should be evaluated for potential code reform and incentives, including, but not limited to:

- Townhouse and condominium options;
- Attached and detached accessory dwelling for proximity to family (for example “granny flats”);
- Shared living alternatives, co-housing, family-type homes/adult homes;
- Assisted living;

- Nursing homes; and
- Multi-level housing/care facilities.

Meeting the growing demand for alternative housing types and walkable neighborhoods, would serve the needs of seniors within our communities. The term Missing Middle was conceived by Daniel Parolek³ to define a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for walkable living that is often abundant in urban settings and lacking in conventional suburban subdivisions. By planning for, incentivizing, and/or providing, this alternative-style housing, communities can help baby boomers downsize from their current homes into preferable alternatives that allow them to remain within their community as they age.

The need for clean, safe, convenient and appropriately-scaled housing will continue to increase in importance as average resident age increases. This issue does not exist in a social vacuum. Town leadership should evaluate how adaptable our housing stock is for aging residents and consider the ways



in which housing connects to various municipal assets. Are residences close to emergency services? Do they connect to outdoor spaces inclusive of all age groups? Do larger living compounds have vehicles to ease transportation of residents unable to walk? An age-conscious solution to housing needs will take into account each of the eight age-friendly criteria.

Baby Boomer Unique Outdoor Spaces / Buildings Needs

Age-friendly communities provide a network of open spaces, including active and passive recreation spaces, public outdoor space, and new civic sites central to residents. A well-shaped public outdoor space serves as a destination where aging citizens can feel comfortable relaxing and spending time (social participation is one of the eight age-friendly criteria). These public spaces also serve as a “seed” from which additional walkable destinations can grow in time. The initial public space can be a modestly sized square or plaza, as small as 40 feet by 60 feet, lined by the fronts of buildings on at least two sides. The public space should be highly visible to promote safety and encourage use.

Land use regulations that allow for higher densities can support the creation of special destinations where aging community members will want to walk, socialize and live. This type of development, which utilizes the advantages of having more people living closer together to create vibrant neighborhoods (much like the traditional town and village centers found across the region) is particularly suited to the needs of our older citizens, but provide benefits to citizens of all ages. Design codes can be established or adapted to help achieve this goal with specification of appropriate scale, transitions between new and existing buildings, housing that connects and contributes to the public realm, and integration of a variety of uses and amenities into daily life.

Why Should Our Community Become Age-Friendly?

Despite the terminology and strong involvement of the AARP, “age-friendly” does not only benefit the baby boomers among us. In fact, the same adaptations that improve the lives of our aging community members can also change how we all live,

work and play in our communities, delivering both social and economic benefits. Age-friendly modifications to plans, policies, code, facilities, services, and infrastructure that improve lives for aging citizens will benefit residents and visitors of all ages. Improvements and increased access to green spaces, pedestrian opportunities, residential/commercial integration, and public transportation can have a meaningful beneficial impact on even our youngest residents.

Another significant benefit is fostering inter-generational relationships, which can help create stronger, more integrated communities in which the range of residents are better connected. These ties to the community, which

can last a lifetime, have both social and economic benefits. For municipalities that prioritize community integration, inclusion and involvement, taking steps to identify and address the challenges of aging can help foster increases in community cohesion and health. Simply put, aging residents benefit from age-friendly municipalities, and municipalities benefit from active aging residents. □

1. EVELO Electric Bicycle Survey, 2019
2. National Institute for Transportation and Communities (NITC) Survey, 2017
3. Opticos Design, Inc., 2010





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RECYCLING REALITIES

By Jenny Johnson, Director of Waste & Recycling,
LaBella Associates



As local governments struggle to make COVID-reduced budgets work, curbside recycling is no longer paying for itself

stringent stay-at-home orders, demand for certain products and services increased dramatically. Delivery services marked one area of growth – it was not atypical for many middle and upper class homes to see the arrival of a brown Amazon box daily. Prepared meal kits also saw demand surge, with Blue Apron, Hello Fresh and others delivering individually portioned ingredients and recipe cards directly to American kitchens. And many of us were encouraged to support our favorite local restaurants by ordering take out, which arrived packaged in a variety of plastic containers.

Any guilt most consumers felt about this consumption was likely assuaged by the presence of their curbside recycling bins – the cardboard and plastic that arrived to their homes came printed with a recycling symbol and most dutifully added this packaging to their recycling receptacles, confident the municipal recycling facility would take it from there. After all, it's been 30 years since curbside recycling was introduced in the 1990s. For most households in New York, weekly recycling does not require significant thought. However, talk to any materials sorter, solid waste professional, or municipal leader, and they'll quickly inform you that's exactly what has to change.

Many states have mandated recycling rates, though New York State's are set locally. American Material Recycling Facilities (MRFs) that process curbside recyclables consistently meet quantity requirements, but struggle with consistent quality. This is primarily because consumers are not diligent enough in their sorting. The labor to remove the contamination (i.e., trash) has become prohibitively expensive for American sorters and their customers (historically, China

and India). Between 2018 and 2019, both countries banned the import of our mixed recyclables.

What's more, the rise of mandated recycling across the nation shattered the equilibrium between supply and demand that controlled the prices for which the raw materials (i.e., recyclables) would sell. For years, recyclables have flooded the market, regardless of the demand for them. Today, the onset of COVID-19 has emphasized the need for the general public to understand the economics of recycling, as well as the recycling process. An MRF is designed to sort co-mingled recyclables consisting of paper, cardboard, aluminum cans, bottles, etc., into the individual types of recyclables that can be packaged and shipped to the end user. While much of this sorting is mechanical, people standing in near proximity to one another are needed to remove non-recyclables from the conveyor belts. The non-recyclables cannot be effectively removed by people standing 6 feet or more away from each other. This has resulted in some MRFs closing with collected recyclables being diverted to landfills. Some localities have even halted curbside collection, while others have closed convenience sites where citizens drop off their recyclables.

Meanwhile, regulators and legislators have been evaluating the need to reduce the mandatory recycling goals or to relax their enforcement. Thankfully, regulators are not opposed to shifting the recycling priority from quantity to quality. Even so, states and localities may be looking to organic food waste bans as the means by which to achieve mandated rates if local recycling rates are not relaxed. Organic food waste recycling is already mandated in cities like Seattle and San Francisco, and New York City had a nascent program

recently suspended due to COVID budget constraints. Outside of NYC, New York State will require organic waste recycling from qualifying businesses (like hotels, supermarkets, large restaurants, and correctional facilities) starting in January 2022.

There's a lot to like about organic food waste recycling. The New York Times cites a National Resources Defense Council study that indicates that food waste generates the same amount of greenhouse gas emissions as 37 million cars. Waste can be captured and composted locally, avoiding the around-the-world journey that our mixed plastics and papers took when China and India were our recycling end game. New York City estimates that organic waste accounts for 34 percent of refuse. LaBella is currently working with the City of Rochester to help it make similar assessments about the impact of organic waste on their municipal waste stream.

Improving the quality of our existing recyclables and/or starting a new behavior in the separation of organic food waste will both require the public to be more educated about the economic impacts of each program. Specifically, the public needs to understand how their actions can contribute to increased costs associated with these programs. Similarly, public information campaigns will be required to help consumers understand that recyclability does not automatically negate the impacts of consumption, especially as COVID considerations have dramatically increased the usage of single-use containers.

Public information campaigns today face uphill battles with our current polarized environment. In an age where an opinion (whether or not it's based on facts) can influence thousands of others by a click on Facebook or Twitter, it's important that public information campaigns are crafted by consultants with expertise in the area. Most public information campaigns for public projects or initiatives contain common basic elements: identification and analysis of stakeholders (or stakeholder

[S]tates and localities may be looking to organic food waste bans as the means by which to achieve mandated rates if local recycling rates are not relaxed.



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groups), communications planning, and engagement methods (including grievance management). As the driver of consumer behavior related to recycling has changed (during the pre-World War II era, re-use and salvaging was driven by the individual's desire to receive maximum value from their purchased goods; later, recycling began to be seen as an altruistic behavior), industry messaging has followed suit. To persuade consumers to be more conscientious

in their recycling or food waste management will take an investment in an integrated marketing campaign, with all industry partners engaged in reinforcing the message.

Changing constituent behavior won't be cheap. Tactics that assign fees based on individual amounts of landfill refuse "pay as you throw" have worked in other parts of country, with advocates comparing unlimited trash collection to unlimited other utilities, like water


or power. As most communities grapple with budget shortfalls from the COVID fallout and recovery, leaders will need to somehow offset the bill from low-value recyclables with a comprehensive strategy that considers short- and long-term impacts. Collaborating with other leaders across the state and sharing success stories and ideas is vitally important, especially in the isolated environment in which we are living today. □





Municipal Golf Course Adds Value to a Community

By Raymond Hearn, ASGCA, ASLA



The Old Course at St. Andrews is arguably one of the best known municipal golf courses in the world. Golf has been played at St. Andrews since the early 1400s. It wasn't until 1764 that the golf course became 18 holes. The Old Course at St. Andrews is interwoven into the Town of St. Andrews in Scotland and is an integral part of the fabric of this community. The origin of municipal golf courses in America dates back to the late 19th century. The first municipal golf course in America was Van Cortlandt Golf Course in New York founded in 1895.

Back in America, the State of New York is home to some of the country's great municipal golf courses. The municipal course at the Bethpage State Park's Black Course in Farmingdale, New York is considered by many golf enthusiasts as one of America's best golf courses. The National Golf Foundation reports that there are currently 121 municipal golf courses in the State of New York. The golf industry in New York is a healthy billion-dollar industry and employs thousands of people.

So why do so many people play golf? One reason is that it is a sport that can be played from youth until late into your senior years. In 2018, 33.5 million people played golf and 25 million played golf multiple times in the USA. According to Forbes Magazine, a record 2.6 million played golf for the first time. Golf is an \$84 billion industry that employs over 2 million people. It has also been labeled as one of the most social games on the earth. Each municipal golf course adds value to its surrounding community. Golfers typically spend money in various other businesses in a community before and after their golf round (gas, food, lodging, gifts, etc.). This is especially true for municipal golf courses that can attract golfers from outside the course's community. So the next logical question would be, what value do municipal golf courses add to their community? The answer is a great deal. The following is a partial list:

- **Economic benefits**
 - o Jobs
 - o Added tourism
 - o Increase in hospitality
 - o Increased adjacent property values
- **Environmental benefits**
 - o Open space
 - o Cleans air and water
 - o Wildlife habitat

Royal Ashton Golf Club's Old Course does not have one single bunker on the golf course and still provides great strategy and appeal for golfers.

- o Wetland habitat
- o Stormwater detention
- o Contaminated re-purpose land use

- **Recreational benefits**

- o Exercise and fitness
- o Active recreation
- o Competitive sport
- o Noncompetitive sport
- o Synergy with parks

- **Social benefits**

- o Relaxation
- o Social interaction
- o New friendships
- o Mental well-being
- o Lower crime

A couple of new trends are emerging in municipal golf course renovation:

- Restoration of certain historical aspects that have been lost over time.
- Creation of multi-functional recreational uses within or adjacent to the golf course.
- The less-equals-more

remodeling approach, producing a better playing experience while reducing the course's annual maintenance.

But first let's start with a basic question, "Why remodel?" One reason is that certain golf course materials just reach the end of their lifecycle, wear out and no longer work, such as irrigation, drainage, cart paths, greensmix, teemix, bunkers, etc. All these items wear out and have to be replaced. In other cases, golf rounds and / or green fees start to decrease because existing golf patrons get tired of the course, and the course stops attracting new patrons. The golf course just gets old, tired and boring. Restaurants and hotels often face the same problems and have to remodel just to keep existing patrons and attract new ones. Many successful golf course operators have told me that once you stop showing patrons (existing and new) that you are improving is the day you start failing. The downward spiral seems to feed on itself for golf courses that take this approach and is

often a sad, slow and painful decline.

Golf Course Restoration and Renovation

A popular trend is for the restoration and renovation of historic golf courses (pre-1940) where the original designer's design intent has been lost over time. In the practice of restoration of golf course features or course strategy that has been lost, both have to be harmonized with the modern-day equipment and modern-day hitting distances. The allure of bringing back lost or hidden historic features is romantic to many individuals whether it involves building architecture, landscape architecture or golf course architecture. It is widely held by many prominent golf authorities that some of the best golf courses in America were created in what was called the "Golden Age of Golf Design" from 1910 to 1937. (I also feel that certain pre-1910 historic gems may also be candidates for restoration.)

Golf course restoration and renovation is an art and a science, and also a tricky business. First, you have to determine whether the restoration is even worth doing – what needs to be restored (in location, form or even in principle), what needs to be renovated and what is fine to leave as is. Just because a lost feature or lost playing angle is old, doesn't always mean that it is worth restoring. To do the restoration process justice takes a lot of time and a lot of research. Researching the history and digging up old aerials, photos, plans, sketches and articles is a lot of fun, but you better be prepared to commit to the time it takes. In some cases, you have courses that have done an excellent job in preserving the items mentioned above. In other cases, fires, floods or carelessness have destroyed all or most of the course's historical items, and in these cases your research time becomes even more time consuming.

Golf course restoration doesn't simply entail overlaying an old historical aerial or routing plan on the modern-day aerial and bringing all the features back. Restoration can also involve restoring the original designer's design intent by calibrating early-1900 play angles and hitting



Goodwin Park Municipal Golf Course Master Plan harmonized with the Olmstead Park System and includes fishing, hiking, jogging, bird watching and more.

distances with current-day hitting distances. Another form of restoration is to pay homage to the original designer's shapes and forms. The golf course architect's end result should always be for the course to have more strategy, shot value and playability for all golfers of different skill levels. The course experience should be interesting, fun and fair.

Golf course remodeling and renovation are interchangeable terms used by many golf course architects and involves improving the courses infrastructure or design while not preserving the original design. This is also a popular practice that can be accomplished with or without restoration. In any case, the golf course playing experience, course conditions and aesthetics are improved. Some also refer to this as rehabilitation.

The comprehensive long-range master plan created for the Schenectady Municipal Golf Course in Schenectady, NY involved both golf course restoration and remodeling. The improvements added to the overall appeal and popularity of a golf course that was already very popular. The master plan includes restoration and / or renovation improvements to specific greens, tees, fairways, bunkers, ponds, cart path, trees, drainage and irrigation.

Creating Multi-Functional Recreational Uses Within or Adjacent to the Golf Course

I could create three more articles just on this subject alone. When room allows, many municipal golf courses provide other amenities throughout or adjacent to the golf course proper such as:

- Walking and jogging trails
- Biking trails
- Bird watching stations
- Fishing
- Yoga
- Pickle ball
- Frisbee golf
- Foot golf
- Short course within the main course
- Par three course within a



New multi-functional driving range, par 3 course and short game area (ASGCA Design Excellence Award)

driving range

- Golf performance and training center
- Bocce ball
- Picnic areas
- ***The list goes on and on.***

While this multi-functional approach is practical for resort, private and public golf courses, I believe it is most applicable to municipal golf courses that are often associated with an adjacent park and / or park-like recreational amenities. When adding new recreational amenities to an existing golf course, a professional golf course architect should be hired to properly establish spatial relationships and spacing with the existing golf course. The multi-functional approach is not always an appropriate option for every golf course; sometimes, space just doesn't allow for it, or the community and golf patrons only want the "pure" solo golf experience.

On page 14, the picture is of a multi-functional master plan for the historic

Goodwin Park Golf Course with its treasured Fredrick Law Olmsted-designed park system.

The multi-functional master plan above includes a driving range that can also be operated as a nine-hole par 3 course and short game training area. The owners of this facility also intend to develop a golf course training center building that will include golf simulators and golf swing analysis programs.

For the City of Detroit's Rouge Park Municipal Golf Course, we created a new clubhouse and parking plan that would allow for: added banquet space, new deck, added parking, better views of the Rouge River and #18 green, while creating space for a nine-hole Bentgrass putting course.

Less Equals More Remodeling Approach

In certain cases, some golf courses have too many course features and an excessive amount of turf areas that need mowing, fertilizing, weed control and irrigation, potentially burdening the overall maintenance

budget. The overriding goal has to be to improve the golf course's shot value, strategy and playability for all levels of golfing ability. I remember one architect saying, I have such large greens and so many bunkers on this particular design that I have never calculated the totals. I was amazed by the arrogance of the statement.

In some cases, this reduction is difficult to achieve in certain golf course layouts. In other layouts, where there is a mindless excessive abundance of bunkers or turfgrass surface area, this is definitely achievable. I take great pride when this the "less-equals-more" approach is achieved. Golf course architects can't always achieve this but when this is achieved, the end product is appreciated by everyone (golfers, management and employees). On the flip side, when this practice is overdone, reducing too many amenities could "dumb down" the golf course design, reduce the experience and drive away patrons. So great care, time and attention much be adhered to when considering this approach. Make sure your golf course architect has extensive experience in this area before hiring them.

The Sea Oaks Golf Course (NJ) has less maintained area that equals more in terms of strategy and beauty with less maintenance. □

About the author

Raymond Hearn is a veteran golf course architect and a member of the American Society of Golf Course Architects, the American Society of Landscape Architects and the United States Golf Association. His company specializes in golf course restoration and renovation throughout the Northeast, Midwest and Southeast. For more information or to contact his office, please visit his web site at www.rhgd.com or email him at ray@rhgd.com.



Restoration remodeling plan for Schenectady Municipal Golf Course in New York



Ray Hearn designed Sea Oaks Golf Course (NJ)



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Frequently Asked

The buying and selling of highway equipment

Highway Law requires the town superintendent of highways to provide the town board a written inventory of all machinery, implements, tools and equipment, indicating the value and estimated cost of repairs, together with his or her recommendations as to the need and cost of purchasing new or used equipment (Highway Law, §142 (3)). This must be accomplished before September 30th each year. A sample inventory form can be found on page 259 AOT's manual for town highway superintendents.

Annual Inventory

The annual inventory provides an opportunity for the superintendent of highways to evaluate the department's equipment needs and to determine what equipment is no longer needed, what equipment needs to be repaired and what equipment needs to be replaced. In those towns that employ a capital planning process, the highway superintendent should review the capital plan when evaluating recommendations for equipment purchases and sales. The State Comptroller's Office has information on capital planning if your town is interested in exploring that option.

Sale of Surplus Highway Equipment, Machinery and Tools

- **Authority** - Once the highway superintendent completes the annual inventory and determines that there is surplus equipment that the town no longer needs, they may recommend to the town board that it be sold. The town highway superintendent may, with the approval of the town

board, sell any machinery, tools, implements and equipment, which are no longer needed by the town, or which are worn out or obsolete, or may exchange the same or surrender it to a vendor as part payment for new machinery, tools, implements and equipment (Highway Law, §142 (5)). The town board may approve the sale of surplus highway equipment by resolution duly adopted at a town board meeting (Town Law, §63).

- **Method of Sale** - There is no specific statutory procedure regulating the method of sale. In the absence of a specific statutory procedure, town officials have a fiduciary duty to select a method of sale that will secure the best price and/or the most beneficial terms in the public interest (Op St Comp no 2010-2). The highway superintendent should therefore obtain the fair market value of the item to be sold and should recommend to the town board, when seeking authorization to sell the surplus equipment, a method of sale that will provide the maximum beneficial benefits and/or terms. Towns employ different methods when selling surplus equipment but some common methods include: direct sale, trade-in value on a new purchase, sealed bid or public auction with minimum bids required. Some towns also use online services like *eBay* to sell surplus equipment. Whatever method of sale the town selects should be examined carefully with steps taken to ensure that the sale of a taxpayer asset is in the best interest of the community and in furtherance of

the town's fiduciary duty to the taxpayers.

- **Proceeds from the Sale** - Proceeds from the sale of surplus highway equipment, under the direction of the town board, are applicable to the purchase of the machinery, tools, implements and equipment (Highway Law, §§141 (3); 142(5)). Proceeds could also be transferred to a capital reserve fund established for highway equipment in accordance with section 6-c of the General Municipal Law.

Purchase of Equipment

- **Authority** - The town superintendent of highways may, with the approval of the town board, purchase equipment, tools and other implements to be used in highway work from moneys appropriated for that purpose (Highway Law, §142 (1)). The town board is authorized to provide its consent in the form of a resolution adopted at a town board meeting (Town Law, §63). In lieu of approving the purchase of each individual piece of equipment or tool, the town board may authorize the superintendent of highways to purchase equipment/tools up to a designated dollar amount without its prior approval. This authorization is typically set forth in the town's procurement policy and is usually reserved for smaller purchases (General Municipal Law, §104-b).
- **Funding in Place Prior to Purchase** - In addition to needing town board authorization, the highway superintendent must also ensure that there is proper funding in place prior to purchasing equipment because a contract cannot be entered into without proper funding in place (Town Law, §117). Funding options for the town board to consider might include taxes, state or federal aid, reserve funds or bonds.
- **Method of Purchase** - Unlike the sale of surplus equipment, there are statutory procedures that must be followed when purchasing tools and equipment. In addition to securing funding under Town Law §117, the town must follow

the procurement rules set forth in Article 5-a of the General Municipal Law and where applicable preferred sourcing under State Finance Law, § 162. Competitive bidding will generally apply to purchases of \$20,000 or more unless an exception applies (General Municipal Law, § 103; State Finance Law, § 162).

There are a few common exceptions to competitive bidding purchases of \$20,000 or more. For example, a town is not required to competitively bid a purchase contract that exceeds \$20,000 where the town is purchasing through a contract let by the Office of General Services, another municipality or a qualified purchasing cooperative (General Municipal Law, §§ 103; 104). Where the equipment or tools is expected to cost less than \$20,000, the contract is exempt from competitive bidding and should be let in accordance with the town's procurement policy (General Municipal Law, § 104-b).

In addition to the exceptions to competitive bidding set forth in article 5-a of the General Municipal Law, a purchase contract is exempt from competitive bidding and local procurement rules where a state-approved preferred source vendor offers the tools or equipment in the form, function and utility required. New York State has provided certain vendors with preferred-source status (State Finance Law, § 162). The Office of General Services maintains a list of preferred-source vendors and provides compliance guidance (www.ogs.ny.gov). A town must forego competitive bidding and is required to purchase commodities from a preferred source provider that offers the tools and equipment in accordance with the state program and in the same the form, function and utility required by the town (General Municipal Law, § 103; State Finance Law, § 162; Op. St. Comp. No. 98-8).

Where an exception or exemption does not apply and the purchase is expected to cost \$20,000 or more, the town is required to competitively bid the contract to the lowest responsible bidder in accordance with article 5-a of the General Municipal Law. Alternatively, where your town has adopted a local law allowing for best value purchasing, the contract may be awarded to the vendor submitting the

best value offer (General Municipal Law, § 103). When the purchase cost is less than \$20,000, the purchase must conform to the town's procurement policies and procedures (General Municipal Law, § 104-b).

If the town wants to utilize an installment purchase contract, the town must follow the requirements of General Municipal Law, § 109-b, which generally requires an installment

contract to be competitively bid if the purchase contract would otherwise be subject to competitive bidding and if below the bidding threshold, the town must generally follow its own procurement rules.

If you have any questions about this process, please call our office to speak with one of our attorneys, Monday through Friday, between 8:30 a.m. and 5 p.m. at (518)465-7933. □



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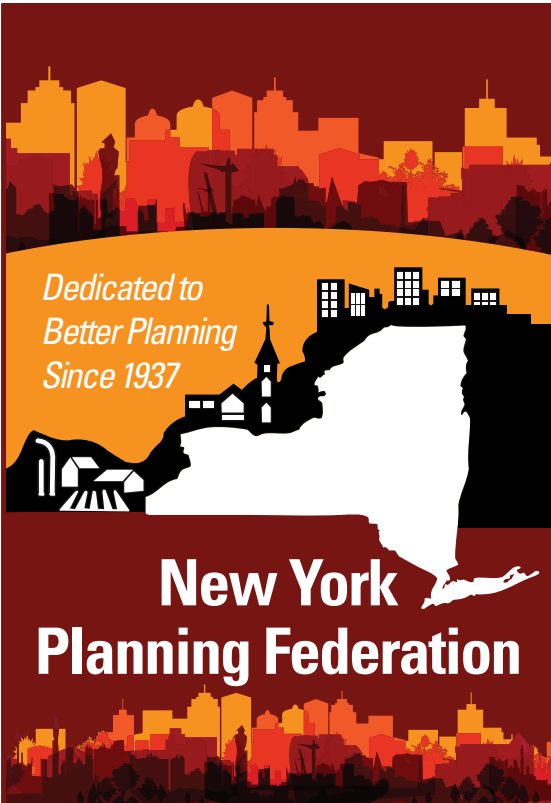
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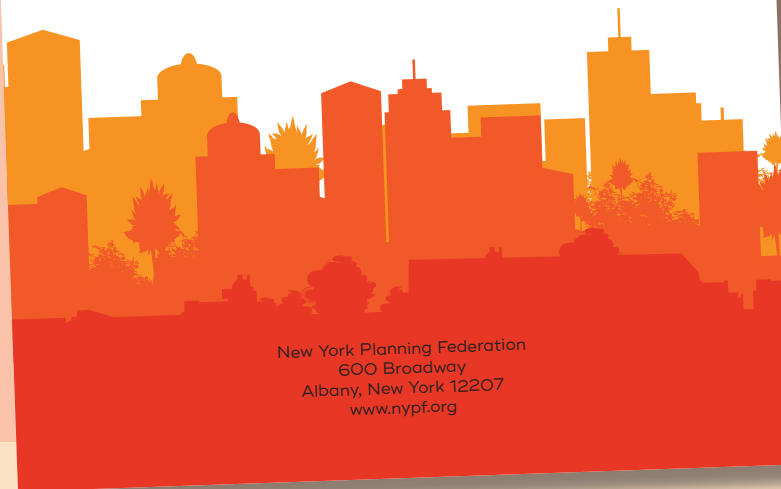
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COVID Highlights Need for Improved Cellular & Broadband Service in Adirondacks and Rural Areas Across the State

Submitted by The Adirondack Association of Towns & Villages

As director of public health for Hamilton County, the last thing Erica Mahoney, DPT, needed was another obstacle to preventing the spread of COVID-19, particularly in the heart of the Adirondack Park's summer tourism season.

But as of the morning of Friday, August 7, Erica's team was responsible for tracking 197 people who had come into the county from one of Gov. Cuomo's COVID-restricted states — and was having trouble staying in touch with a full 50 percent of them due to the spotty cell phone service.

"We're required to make contact with them every day for two weeks to verify that they're quarantining and to help them monitor for any symptoms," Erica said. "But the more difficult it is to reach them because they don't have cell service where they're staying, the greater the risk that they're going to be out in the community where they can potentially expose someone else to the virus."

"It's extremely concerning," she added. "When we make the initial contact with a traveler, it holds them a little more accountable to stay in quarantine. It also allows us to give them information about what to do if they begin to show symptoms and where to seek care."

The onset of the COVID-19 pandemic has greatly accentuated the public health and safety risks, as well as the educational and economic disadvantages, that are part of daily life in rural communities in the Adirondack Park and across the state where cellular and broadband service is limited or, in many cases, non-existent.

The Adirondack Association of Towns & Villages (AATV) identified improved cellular and broadband service as two of its highest priorities in its 2020 legislative agenda. It turns out that those priorities couldn't have been more prescient, given the arrival of COVID-19.

Last year, Governor Cuomo appointed an Upstate Cellular Coverage Task Force to address the lack of service in rural and remote parts of the state, and the state Senate and Assembly recently passed legislation aimed at increasing access to high-speed broadband services. Now, the state and federal governments' emphasis on infrastructure funding for these technologies, coupled with the now-stronger case for absolute need, may well create an unprecedented opportunity.

"Gov. Cuomo and our state legislators have taken important steps to improve coverage in the park, but there is still much more to be done," said Matt Simpson, town supervisor of Horicon in Warren County and president of the AATV. "Too many Adirondack region residents and visitors still travel our remote roads without access to 911 if they need it, still don't have the broadband service necessary to support remote learning or telehealth, and still lack the communications infrastructure they need to start and grow small businesses."

Bill Farber, supervisor of the Town of Morehouse, chairman of the Hamilton County Board of Supervisors and a member of the task force, said, "There couldn't be a more timely investment for our state and federal governments to make. This is the exact type of infrastructure we should be building as part of the overall COVID response. We've always thought of roads and bridges as critical infrastructure, and they are, but improved cellular and broadband systems will help rebuild New York by creating jobs and opportunities consistent with the new world we're living in."

That new world began taking shape

The State of Broad

in March of this year when COVID-19 forced the closure of schools and the start of remote learning, sent employees home to work or on furlough, and shut down all non-essential, in-person healthcare services.

In school districts across the state, students, teachers and parents were suddenly faced with adopting a brand new way of learning and teaching, centered around online instruction — a challenge in even the most heavily tech-oriented households, but a major conundrum in homes without robust internet access.

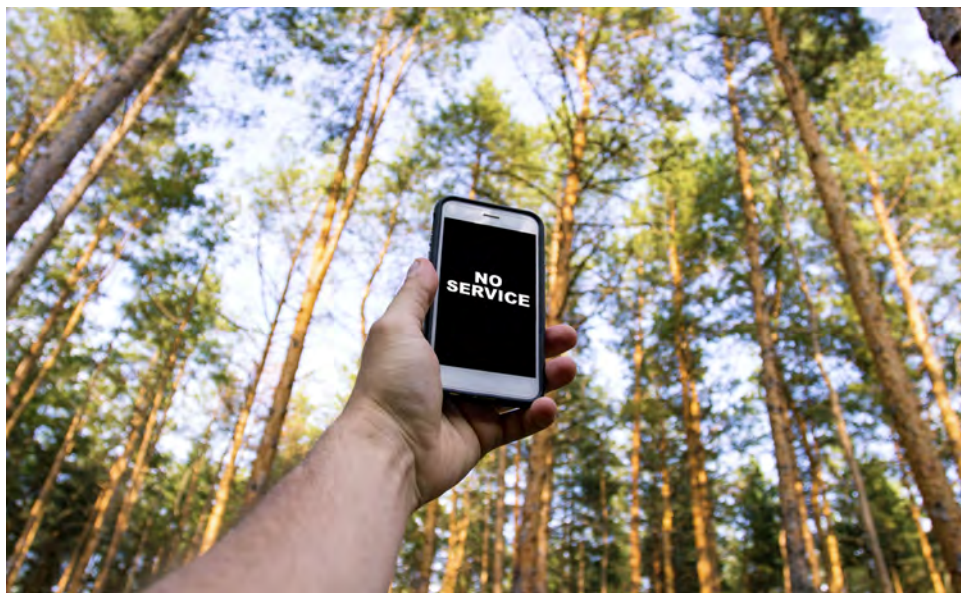
Lizette Pierson, a fourth-grade teacher in the Indian Lake Central School District in Hamilton County, strived to video conference with each of her students individually on a weekly basis, with a full class session on Fridays.

“At least once a week, I’d have to reschedule with a student because they would keep freezing up,” she said of the halting internet service in portions of the district. “Some days we’d have to just type back and forth because I could see them, but I couldn’t hear what they were saying.”

For James Dexter, superintendent of the Washington-Saratoga-Warren-Hamilton-Essex BOCES, that’s a story he heard time and again during the final months of the 2019-2020 school year.

His BOCES district serves approximately 40,000 students in 31 school districts, many of them within the park.

“We believe approximately 4,000 have no access to internet and at least another 1,000 are unable to hit a cell tower from their homes,” Dexter said. “For those that do have internet, many



don’t have the bandwidth necessary for video conferencing.”

While school districts devised various solutions to those challenges last spring, including sending school buses to deliver assignments to the homes of students who couldn’t access them online, Dexter noted schools need a viable long-term solution. There’s much uncertainty as to whether another COVID-related shutdown will be necessary, and even without COVID, digital instruction in some form is here to stay.

“Our instructional foundation is becoming much more digital,” he said. “It’s not just the ability to connect via video during COVID. The instructional platforms that schools are using rely heavily on digital content. Students are asked to submit assignments remotely and to use online tools as a resource.”

During the COVID shutdown, Dexter said, “There was a great divide

between the students,” which is simply unacceptable going forward.

“Children who have better connections to the internet, or data, are going to have a big advantage in the classroom, and we want all kids to have an equitable education,” he said. “It’s only going to become more important. We think of this connectivity as the next big public utility. It has to be a priority like electricity and water years ago, and we’re looking for our state and federal governments to help us get there.”

•
On a late spring Adirondack morning, a patient of Hudson Headwaters Health Network’s Ticonderoga health center conversed via video chat with her provider. Telehealth visits like these were the only way for people with chronic conditions to stay in touch with their trusted providers when “non-essential” office visits were cancelled due to the virus. In

band

this case, however, the patient had to drive to the health center parking lot and conduct her visit from the car, using the network's WiFi. She has no internet access at her home, nor do approximately 40 percent of her neighbors, according to data gathered by Hudson Headwaters.

COVID-19 greatly accelerated the network's three-to-four-year plan to roll out telehealth visits across its 5,600-square-mile, primarily rural service area. Virtual visits are seen as a vital tool for people who require frequent consultations to manage chronic conditions like diabetes and hypertension but who live a considerable distance from their doctor's office. The need to move forward in the midst of the pandemic also heightened the network's awareness that telehealth simply isn't possible for many of its patients.

Sean Philpott-Jones, director of grants management and government relations for the longtime community health provider, said, "Internet is hard to get, and cell phone coverage is often non-existent" in many of the communities they serve.

Compounding the problem, he said, "The patients who don't have access to internet service are often the most vulnerable and those who would be best served by telehealth."

Similarly, Erica Mahoney of Hamilton County Public Health said the county would like to make telehealth consultations with medical specialists like cardiologists, neurologists and orthopedic surgeons from outside the area available to local people, reducing travel time and expense. "We have the technology and we have the plan, what we don't have is the strong internet connection that is needed for these types of video visits," she said.

Both Hamilton County and Hudson Headwaters would also like to see greater use of remote medical monitoring devices for people with chronic conditions. These internet-enabled devices record a patient's blood pressure, heart rate, blood oxygen levels and other health metrics and send them to their health care provider via the internet.

"With this tool, we'd pick up emerging problems quicker and have the ability to get people the care they need sooner," Mahoney said. "Again,

It's a huge issue ... As soon as you get above that Blue Line (the term used to denote the boundaries of the Park), you hit long stretches of road without coverage.

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unfortunately, you have to have strong internet access.”•

While the arrival of COVID-19 has heightened public health and safety concerns related to inadequate cell and broadband service in the Adirondacks, it's been a daily concern for many years for emergency services professionals.

“It's a major life safety issue, particularly in the northern and northwestern portions of our county,” said Steve Santa Maria, director of emergency management for Fulton County. “Imagine the unfortunate person that lives or travels in that area and has a car accident or a medical emergency or comes across a fire, or someone who's lost in the woods, and can't contact anyone because there's no service.”

In addition to public safety, Steve also voiced strong concern for law enforcement, firefighters and EMTs who find themselves without any form of communications while out on calls in underserved areas.

“You're not sure what you're walking into sometimes,” Steve said. “Think about a deputy sheriff responding to a call, one person in a car. You can't

talk to them by radio and you can't talk to them by phone. That creates a dangerous situation for that officer.”

“It's a huge issue,” said John Raymond, director of emergency management for Herkimer County, the majority of which is located within the Adirondack Park. “As soon as you get above that Blue Line (the term used to denote the boundaries of the Park), you hit long stretches of road without coverage.”

What Raymond also sees along those roads are steady streams of vacationers. “People who come up from downstate assume a fire department or an ambulance will be nearby if they need it, and our local volunteers do their very best to provide those services. They also expect that when they dial 911, they're going to get help. And that's not always the case. That lack of any type of communications in today's world is crazy.”

•

Garry Douglas, president of the North Country Chamber of Commerce, sees the lack of cell and broadband service creating significant obstacles to economic growth by limiting

the ability of entrepreneurs to start businesses in large portions of the park or work remotely from there. He also worries about the future of tourism as younger generations of outdoor enthusiasts expect modern-day conveniences to complement their wilderness adventures.

“These tools are now essential for every facet of life,” Douglas said. “People look to their phones to see restaurant menus, to check the hours of museums, to find nearby antique shops. They can't be without what has become their critical tool for information and guidance — their cell phone — and they're going to migrate somewhere where they can use it and have access to broadband.”

The chamber recently sent a letter to the Adirondack Park Agency encouraging a review of its policy requiring any cell tower located within the park to be “substantially invisible,” a constraint that dramatically limits the height and placement of towers and restricts the reach of their signals.

“Once thought of as a matter of convenience,” the chamber states in its letter, “21st century communications such as cell service have now been proven to be essential to daily



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life, from access to health care and education to crucial access to employment via distance and to timely information. Add the huge challenges ahead in rebuilding the region's tourism economy ... and we are at an historic crossroads calling out for reassessment and updating of APA policies."

Matt Simpson, AATV president, said a new Park Agency policy is just one way New York State government can help expand cellular and broadband

services in the Adirondack Park and improve public health and safety and overall quality of life for park residents and visitors.

"We believe the vast majority of people — both residents and visitors — would gladly accept seeing an occasional tower across the 6-million-acre expanse of the park if it means they will have the cell and broadband coverage they need when they need it," Simpson said.

"AATV understands how important it is to preserve the natural scenic character and beauty of our region, and we have no intention of compromising that beauty or jeopardizing our economy and way of life. We look forward to working with our state and federal elected officials and cellular and broadband providers to find cost-effective, minimally intrusive ways to improve service and make the Adirondacks an even more enjoyable and safer place to visit." □

Municipal Broad Deployment

COVID-19 puts a spotlight on continued debate over municipalities' role

Courtesy of HUNT Engineers, Architects, Land Surveyors, and Landscape Architect, DPC; Ryan Garrison, Director of Information Technology; Tim Steed, PE Director of Site/Civil Engineering; and Dean Hackett, PLA LEED AP Vice President

At this writing in mid-August 2020, 22 states continue to have legislation in place that bans local municipalities from establishing municipal broadband distribution systems. That is down from 25 in 2018. Of those 22, seven decided in 2019 to convene exploratory groups -- numbers that consequently do not include the effect of COVID-19.

Meanwhile, in May 2020, a decade after the establishment of the 2010 National Broadband Plan, legislation was introduced in the U.S. Senate requiring the Federal Communications Commission (FCC) to update the original plan. This comes immediately on the heels of a broader legislative effort to reintroduce the Community Broadband Act, a bill that would outright ban "any state, local, or tribal statute or regulation that prohibits cities from providing high-speed internet, thereby preserving and protecting the rights of cities and localities to build municipal broadband networks."

According to an opinion piece in May 2020 by Blair Levin, a senior fellow at the Metropolitan Policy Program and one the original authors of the

2010 Plan, continual "persistent digital divides" has made the update imperative.

"First, it tells the FCC to assess what COVID-19 has taught us about how Americans can use broadband to learn, work, receive medical information and treatment, and participate in civic communications.

"Right now, Americans are more dependent on broadband access than ever. The country is much better off in

this regard than we would have been 10 years ago, but not as prepared as we need to be ... the legislation correctly obligates the FCC to analyze the gaps revealed by the pandemic and develop policies to close them.

"Second, the proposed legislation imposes genuine, ongoing accountability by directing the FCC to provide annual reports on the progress of achieving the updated plan's goals. The 2010 plan called on the FCC to "publish a Broadband



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Performance Dashboard with metrics designed to track broadband plan goals," but the agency did not do so. A congressional mandate to provide tracking is a much better enforcement mechanism than an internal recommendation."

A 2018 FCC report showed that more than 18 million Americans nationwide lack access to any high-speed internet, and a 2018 Microsoft study estimated about half of Americans – 163 million people – do not have high-speed internet at home.

Here in New York, the percentage of residents and businesses served by "wired or wireless broadband" has gone from 70 percent in 2015, when Governor Cuomo first announced his "Broadband for All" program, to 98 percent in 2020. During that time, loopholes that allowed the Internet Service Providers (ISPs) to claim that an entire census tract had full coverage, even if it was only one household, have been largely exposed and closed.

Cuomo also put \$500 million toward grants to extend service to rural areas, but some of that work is also still incomplete, and some residents are being served by satellite service they complain is inadequate. During the last several months, state, county and local officials have been overwhelmed with reports of slow internet speeds, simple unavailability and unaffordable services in both urban and rural settings.

The pandemic has also laid clear that to fully serve their communities, police and fire public-safety providers need ubiquitous broadband capacity.

Economic and Philosophical Debate about Local Government's Role Still at Play

The COVID-19 outbreak landed in an already tumultuous mix of competing forces in the municipal broadband arena. While the past eight months have appeared to move the needle toward the "fifth utility" camp from what was theretofore a "theoretical debate," municipal deployment efforts continue to have critics and opponents.

Beyond the economic arguments against government providing a competitive alternative – a "subsidized competitor" into free-market environment, opponents' positions include more pragmatic concerns, such as: the risk to taxpayers if a

system fails; the difficulty of attracting to government and then managing technology workers capable of overseeing such a complex enterprise; the cost-benefit analysis of diverting tax revenues from "more important" projects to a speculative venture; and worries that local governments are incapable of accurately ascertaining "demand" before embarking on such an expensive enterprise – leaving local governments vulnerable to pursuing a "if we build it, they will use it" business model.

In the greater Denver, Colo. area, several communities have turned their back on fledgling grassroots bandwidth initiatives, asserting that too many questions remained, that a growing number of municipal efforts have failed, and that the states did not have the right to dictate local policymaking.

Municipal network supporters, including the Institute for Local Self-Reliance's Community Broadband Networks Initiative, dispute claims that "the vast majority" of community networks have been failures. Noting that there have been more than 400 municipal projects to date, Chris Mitchell, director of the ILSR's Community Broadband Networks Initiative, said there were "some projects that didn't work out, but others that have had major benefits."

Municipal broadband proponents argue that residents often have access to high-speed internet at a lower cost than they would otherwise. In many communities with publicly available internet, the "digital divide" is less prominent as households have equitable access to quality broadband. Both camps agree that the debate of 2020 includes heightened cybersecurity and privacy issues not anticipated by the 2010 National Broadband Plan.

By wading into the bandwidth conversation, local governments can closely monitor the services provided by participating ISPs. Consequently, these ISPs can be held accountable to certain performance standards and ensure that community members get the services they need.

To that point, Dryden NY Town Supervisor Jason Leifer was optimistic about the future and almost incredulous when asked about the current broadband situation in his town, saying, "In Dryden, we decided that pursuing municipal broadband is the only way our residents will get the internet service that they require at a price they can afford to fully participate

"The Town of Dryden is confident that we can build a municipal broadband service that provides residents with faster speeds at a lower cost with better customer service than any other private ISP could. In addition, the subscribers would be investing on their community and keeping money local, which is important since Governor Cuomo has imposed tax caps on municipalities. I believe that we must treat internet service as a utility, the same way that we treat water and sewer service, and the best way to do that is to build and promote municipal broadband."

- Town of Dryden Supervisor Jason Leifer

in our digital world. While there are several internet connection options in the Town of Dryden, the fact is that the only large-scale fiber option is an ISP with monopoly status, many of whose customers have told town officials that they are dissatisfied with their internet service. Residents say the service is unreliable, too slow, costs too much, and in addition, the customer service is terrible. Despite all these issues they are now petitioning to impose data caps on all of its customers."

For his part, Livingston County Administrator Ian Coyle stated, "We are committed to reducing the digital divide in Livingston County.



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2020-2021 — Next Steps for Municipal Leaders

At HUNT Engineers, our technology and policy teams recommend the following approach – urging community leaders to be willing to follow the data wherever it takes them.

To begin with -- information gathering. Assign a team to develop a comprehensive picture of their current capacity at the outset. Include non-technologists, business leaders, and get user input from all walks of life. Unencumbered by budget, schedules, and regulatory concerns, these groups will unabashedly help reveal current IT gaps and provide a roadmap to current and future needs.

At the same time, mayors, town board members, and public works leaders need to know exactly what they are working with – what coverage already exists? What are their assets – poles, already laid fiber, available technology workforce? Only then can they make moves to accomplish their goals.

Towns need to know what ISPs are in their district, where they offer service, what services are offered, and where they have NO sufficient service available (exactly, to the address). Towns and villages generally have a good “thematic” view of the issues, and looking seriously at the data will help crystallize their approach.

Once the dust settles on existing conditions, your task force can move forward toward goal setting. What level of services are needed for public safety teams, for businesses, and at private homes? What are available speeds? An audit can help give focus.

Often cast as the “bad guy” in these narratives, local ISPs are members of the community and equally interested in greater broadband distribution and subsequent use. HUNT recommends

that municipal leaders work closely with local providers to encourage deployment and modernization. Specifically, investigate what financial support and grant collaboration opportunities exist.

While it seems almost quaint to look back at the 2019 Cuomo budget and its promise of \$150 billion in multiyear infrastructure improvements, even with anticipated COVID-propelled budget shortfalls, broadband-system construction is likely to continue.

From a consulting and engineering firm’s perspective, those efforts begin with strategic financial planning exercises with municipal, business and academic partners about which service model a community desires and can afford. For example, at HUNT their designers and grant writers are actively collaborating with municipal and K-12 partners to achieve this goal, using USDA ReConnect Grants and Smart School Bond Act Funds, respectively. □



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Get Involved!

Support your community by serving on a board: Get elected, be appointed or volunteer.

County boundaries and local government borders of 1796 are basically unrecognizable to modern viewers. From 1800 to 1856, counties in New York State proliferated; from 1800 to 1915, municipalities in New York multiplied and differentiated into the units of local government we recognize today. New counties, towns, cities and villages were created by locals who formed smaller and more responsive local governments for themselves.

Each of our counties and local governments were created by groups of residents who thought they could 'do it better' than the larger governments that previously served the areas. Regular people have kept these units of government operating for more than 100 years.

Elected boards, appointed boards, voluntary boards, committees, and working groups throughout the state need active members to assist in resolving some of their most pressing issues. Some communities have difficulties filling appointed board positions while other communities have to work hard to find anyone willing to run for local office (even in an uncontested election). If your town is having difficulties fielding candidates for office, please consult your local or statewide government association or the Department of State for solutions and options available to your town.

The day-to-day functions of a local government are mostly handled by your town's qualified staff: office workers, code enforcement, public works, water department, etc. Staff and long-term elected officials



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are often rich with "institutional memory." Working to document and retain that institutional knowledge will greatly benefit each and every community in the state. If only one 'old timer' knows when each of the water lines was replaced, it's important for the town to preserve

that knowledge on paper and in digital documents. If only one staff person knows how the file storage boxes are organized in the basement, then it's important to work with that staff person to document the organization system and prepare appropriate labels. COVID-19 was a great reminder that 'things can change in a moment.' For the good of your town: identify who on your staff is irreplaceable then have that staff person create a manual of their annual tasks with links to necessary resources and cross-train others for vital skills of the position.

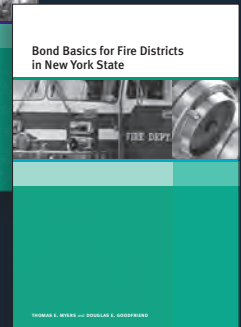
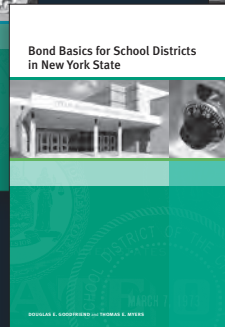
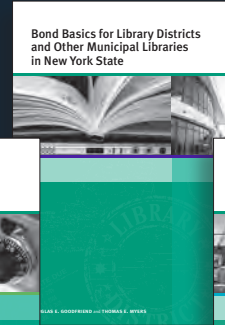
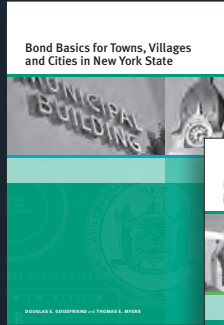
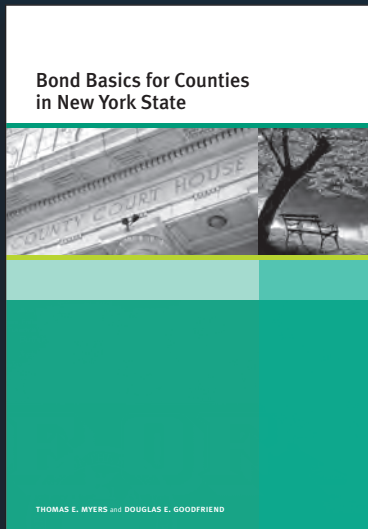
Town boards are typically composed of an elected supervisor and four additional elected board members. Terms of election for town boards in NY are generally staggered, so a 'single-issue election' doesn't result in a full sweep with the entire board being replaced with new members.

According to the NYS Local Government Handbook (https://www.dos.ny.gov/lg/publications/Local_Government_Handbook.pdf)

"One of the distinguishing features of town government organization is the lack of a strong executive branch. Virtually all of a town's discretionary authority rests with the town board. What little executive power the supervisor has is granted by specific statute or by the town board. The town board, therefore, exercises both legislative and executive functions."

Oversight by the elected board is needed to ensure compliance with local law, county policy and state law. Oversight will also ensure the actions of the local government are meeting the needs of the residents, and local elected officials will provide local accountability for the community. Elected officials must be ready to read materials, prepare budgets and ensure that decisions are made in compliance with state and local law.

The required time commitment for an elected board position varies with the size of your community (and your personal commitment to the task). For a small, rural town with fewer municipal services, the commitment may be as little as four to eight hours per month. For a bigger town,



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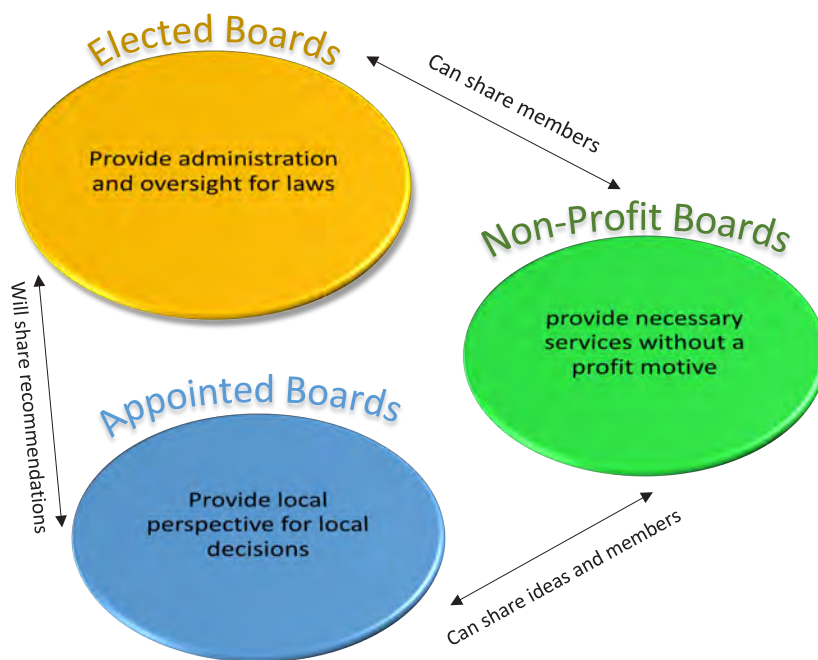
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with several municipal services, ongoing economic development projects, and land use concerns, the commitment will likely start at eight hours per month and increase. Local elected office in some of NY's biggest municipalities is basically a full-time job.

New York State is still a home rule state, but now our counties and local governments act on behalf of the state government for many issues. Ostensibly, towns are still responsible for their own Subdivision Law and Zoning Law; with the exception of large renewable power generating facilities (25MW+) which now fall under the State Office of Renewable Energy Siting.

Town elected officials will have to ensure town laws and town actions are in compliance with state laws as well as that town officials and staff are in compliance with any relevant state or local laws.

Finally, elected officials are pivotal in identifying and appointing new members of committees, working groups, and appointed boards (per state & local law). Zoning Board, Planning Board, Comprehensive Planning Committee, Historic Review Board, Ethics Board, Affordable Housing Board, and Board of Assessment Review, and so many more boards are all instrumental in completing some of the necessary tasks of a local government. These appointed/voluntary members can assist your town by completing some of the work involved in local government decision-making. Furthermore, having an active group of involved residents serving on your committees, appointed boards, and acting as alternates will support the effective function of your town. An active group of involved residents will also support your community engagement efforts. Each of the people



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involved in your town government has family, friends, colleagues, and business associates; these involved residents will act as ambassadors for your town government. Non-profit boards that serve your community and your residents are also a good 'hunting ground' for finding new board and committee members. Non-profit board membership has some similarities to serving on appointed/elected boards. Non-profit board service is an excellent training ground for potential new members.

Ongoing training for elected and appointed officials is important to successfully operate a local government in NY. Training is regularly provided by the NYS Comptroller and the Department of State have many training and education resources for local elected and appointed officials, and the statewide Association of Towns provides live training events as well as other legal and technical training. Your regional planning board may also provide training services. STC hosts an annual training event for government officials and STC is conducting an ongoing evening training series for all types of board members in our area (Chemung, Schyler, and Steuben Counties).

Through STC's recent *Board Development Project*, we have identified some common deficits that affect elected, appointed, and non-profit boards.

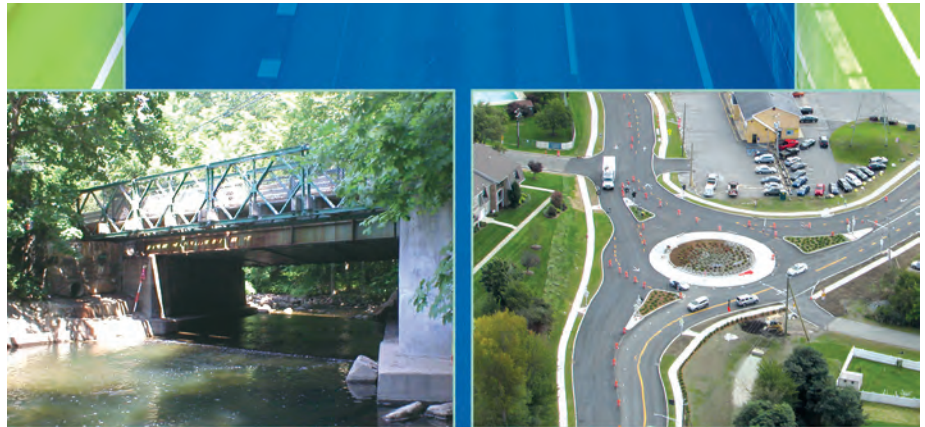
- A lack of people who are 'ready, willing, and able' to participate in board service. Most people don't even know how they could begin the process of joining a board.
- Not all current board members are aware of their responsibilities or their fiduciary duties, so current boards may not be operating most efficiently.
- Long-time members may be resistant to the 'new-way' of doing things, which may be required by state law; time may be lost at each meeting convincing some members to 'do it right' or worse *the board may follow an incorrect procedure.*
- Boards may lack specific skillsets – training of all current board members can improve certain skills; matching skilled individuals

with open seats on appointed or volunteer boards can also increase a boards' capacity.

STC has determined that appointed or voluntary board service is an excellent training experience for early- to mid-career professionals. Companies will often support employees who serve on local boards with flex-time related to board meetings. Voluntary board service is also a fantastic 'skill building

lab' for future elected officials. STC is working on a two-part program to:

1. Identify/ train a diverse group of individuals from the workforce for potential service on local elected, appointed, and non-profit boards; and
2. Work with boards in need of specific skills to recruit new members who will meet the needs of the organization. □



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MAKING SENSE OUT OF **CHAOS**

Finding ways to safely reopen
business districts

*By Jacob Torres, Planning Intern,
New York Planning Federation*



Towns face a range of challenges for reopening businesses after COVID-19. The tools needed to recover may not be a “one-size-fits-all” approach, as the needs of New York City vary greatly from the Capital Region’s or even Western New York. Safely opening New York’s businesses is underway across NYS, and municipalities are stepping up to help businesses succeed.

Many economic jumpstarts generally include drawing activity to a local downtown and aim to increase business generation. Municipalities on Long Island are likely to have more issues with maintaining safe distances due to the higher density in population, compared with other regions of New York. The state and some county governments are working together with their local businesses to devise individual economic plans while promoting safety. Based on Gov. Cuomo’s multi-phased state reopening, New York City and Long Island have had more time between phases, compared with the rest of the state’s regions. This did not stop transit system improvements such as those in New York City after having experienced increases in its bicycle network; or the Capital Region’s repaving most of I-787, taking advantage of reduced traffic volumes.

Hudson, N.Y. is a small, mid-Hudson Riverfront city about 120 miles north of Manhattan facing unique challenges during reopening as NY PAUSE progresses. At roughly 2.2 square miles of land and 0.15 square miles of water property, this compact city has an extensive history.

Mayor Kamal Johnson worked with his city offices and Governor Cuomo to create plans aimed to increase business and economic activity. The result, Hudson’s “Shared Summer Streets Program,” creates a new city dynamic throughout the main thoroughfare, Warren Street. The project, equalizes, if not prioritizes, pedestrian space with motor vehicle space. In efforts to fast-track the project and gather supporting voices, Tamara Dillon, the executive director of Hudson Hall (an arts studio), coordinated her efforts with residents and business owners to get ideas started on their community-driven initiative. “Our goal is to reboot the city, help businesses survive, employ people and pay taxes,” Dillon said, a sentiment she shares with many locals. “We know all the city departments needed to make things happen, and we started a conversation to engage the community.” Through Hudson Hall, she also assists local businesses to purchase the necessary supplies needed to keep areas safe and sanitary for all.

Dillon is no stranger to coordinating large gatherings in Hudson. The Hudson Hall hosts its annual Winter Walk, a

Hudson’s Shared Streets was created to promote “commerce and community,” both of which are important factors within an intimate, vibrant community such as Hudson’s. Enough space has been allocated to allow pedestrians room for social distancing. Major traffic pattern changes on Warren Street, the main focus area, limits vehicular speeds to only 5 MPH, allowing restaurants and shops to safely operate outside of their walls, in the open air. It was debuted on the weekend of June 26-28, and if all goes according to plan, is expected to continue through October. This is a plan to get

people out of their cars and to walk around, enjoy their local downtown and support their local businesses. Logistics for parking include over 800 parking spots, mostly within municipal lots. Seating and restrooms will be provided. A dining area will be at the waterfront park near the base of Warren Street with about 40 new picnic tables introduced. Designers of the project include Kaja Kuhl, representing Design of Six Feet and Peter Spear, from Future Hudson. They cite European city streets and Times Square as inspirations throughout the design process. This type of plan may fair very well for smaller communities, as parking and social distancing can become issues needing resolution.

By comparison, both counties that occupy Long Island have also begun creating measures to support local businesses that have been impacted by the closures. Nassau's assistance program is called the "Open Streets Pilot Program." It's mainly assistance by way of expediting permits, processes for road closures, coordination and expanding food service areas to include outdoor space. Nassau's official webpage for more information is found at: <https://www.nassaucountyny.gov/4997/Open-Streets-Pilot-Program>. The page mentions the overview, and requirements to become a participating "Open Street." The project has different start dates because it is on an individual county road basis, but Nassau County provides an interactive ESRI-GIS map, showing locations of participating intersections that have already begun. In Suffolk County, County Executive Steve Bellone made an announcement that all permits for expanded outdoor seating will be approved immediately.

The Village of Farmingdale, Suffolk County plans to close streets to vehicular traffic on Friday and Saturday evenings through the use of concrete barriers. It has been reported by *Newsday* that exactly 454 seats will be split between the businesses for use as additional outdoor seating for patrons. Farmingdale Mayor Ralph Ekstrand told a local newspaper "We're trying to devise a plan that would be beneficial to the restaurants and merchants and not have massive overcrowding." Ekstrand estimates that business revenue is down about 80 percent, data approximated by

conversations with local business owners. Farmingdale plans, unlike Hudson, to require reservations ahead of time, to minimize crowds forming from overlapping customers. Joseph Fortuna, owner of the Nutty Irishman and

Melissa Fleischut, president and chief executive of the New York Restaurant Association, a trade group representing restaurants, noted an issue with the capacity limits indoors. "They'll be losing money at that rate," referring to the profit margin at which many restaurants operate at - 3 to 5 percent. "Being allowed to expand capacity into additional areas is huge for them," she said. Farmingdale's plan is set to begin with Phase 3 of Suffolk's reopening and is expected to continue through Labor Day.

Riverhead, Long Island is between the North and South Forks of the Island. Councilwoman Catherine Kent, in an interview with Jean-Paul Salamanca, a local journalist for *Newsday* in reference to the street closures said, "I know some other towns that have done that, and I thought I would like to have that discussion with the chamber of commerce and the business improvement district and other board members to see if, at some point in the summer, we could close off streets not for vendors, but for local businesses and restaurants so they could expand their seating area and actually make it even safer." It's important to stress that community outreach to local business leaders may help, even if just for preparations. Whether it be extra scheduling or increases in food ordering for potential patrons due to innovative solutions like this. Nearby, Greenport was used as a testing site for the same idea from May 30 through June 1. That project cordoned off about 60 parking

spaces and spanned from Center Street to the southern end of Main Street and included a few portions of Front Street as well.

Rich Vandenburg, president of the Greenport Business Improvement District, said that the solution in Greenport and Riverhead is "the perfect middle ground." Parking for personal vehicles remains an issue.

Dave Kapell is a member of the committee approved by village officials to begin the planning of the parking space conversion. "The business district is the heartbeat of Greenport," he said. "For those of us who remember, a Greenport with half the stores vacant was not a great place to live. People need to understand the consequences if nobody does anything here."

In the wake of COVID-19, local public planning boards, offices of economic development and other policy-making bodies have found themselves in a sea of choices. Reopening procedures, juxtaposed with a dramatic rise in COVID cases in some states, means uncertainty throughout this pandemic of unprecedented scale. Recovery will be long. It's uncharted territory for many municipalities, and smaller ones are especially vulnerable to permanent closures of some local businesses. The COVID emergency is unlike any natural disaster, and it will continue to have sweeping statewide effects. Bike lanes for increased public mobility, increased outdoor space allotted to pedestrians and bicycles instead of personal motor vehicles and increased community organization between businesses themselves in addition to local municipalities can create solutions fit for a specific neighborhood or zone and help bolster a swift economic recovery in New York State. □

The NYPF would love to hear from you about your efforts to help businesses in your community recover. Please email us at bsamel@nypf.org with examples we can share with others around the state.

Jacob Torres is a recent graduate of the State University of New York at Albany, majoring in urban planning. Originally from Merrick, Long Island, he resettled in the Capital District after graduation. His future is aimed at learning about and developing eco- and pedestrian-friendly networks. He is currently interning with the New York Planning Federation.



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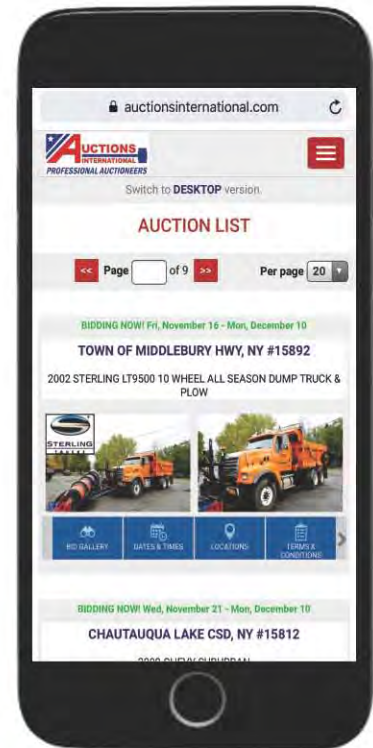
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