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The Solar Power Struggle

*The future of renewable energy,
land use and home rule.*

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Local Land Use Decisions are Best Kept in Local Hands

By Executive Director Christopher A. Koetzle



This issue of our magazine focuses on planning, zoning, and economic development, and it is one of my favorite topics because these departments closely deal with land use. The work of each of the planning and zoning boards are not a side function of town government — their work **is** the function of town government. It is where Home Rule is most often practiced and most often where local governments find the balance between growth and community preservation.

You will see that test up close in this issue in Paul Nelson's in-depth feature on the Office of Renewable Energy Siting. ORES sits at the center of one of the most consequential land use fights facing New York towns today: the question of who gets the final word on where large-scale solar and wind facilities go. State law now allows ORES to override local zoning it finds "unreasonably burdensome." I would encourage every official, whether your town has a pending application or not, to read Paul's piece closely. This is not an abstract policy debate playing out in Albany; it is happening in real towns, on real farmland and forests, and it will keep happening. Understanding how the process works, and how to engage with it, is now a basic part of the job.

NYAOT supports a smart approach to renewable energy development in New York, but we also believe, without reservation, that the towns hosting these projects, providing the land, the roads, the emergency services, and living with the visual and environmental consequences, deserve a real seat at the table, not a courtesy comment period. Land use authority is not a privilege the state extends to towns. It is a core exercise of Home Rule, rooted in more than a century of New York constitutional and statutory law, and it belongs at the local level because that is where accountability lives. When a project goes wrong, the residents don't first call the state; they call **you**.

On a proud note: I am glad to announce that *City & State* recently named NYAOT one of its 2026 Top Trade Associations, recognizing us alongside organizations representing some of the largest and best-resourced industries in the state. Our nomination highlighted our heightened focus this past year on expanding our slate of member services and bringing visibility to the issues affecting all 933 towns in New York, including our new Grant Assistance Program, which is designed to make small-population and rural communities more competitive for state grants. You can read the full release in this issue.

I share this not to boast, but because this recognition belongs to you our members, the Executive Committee and our staff. Trade associations, like ours, are only as strong as the members who show up, serve on committees, answer our surveys, and put in the long hours in town halls across this state. This award reflects the work happening in Glenville and Granby, in Copake and Chili, in Fenner and Woodbury. It reflects towns of every size, doing the often unglamorous, yet always essential work of local government.

This issue lands right as most towns are deep in budget planning for 2027, so it seems like the right moment to make the case plainly: NYAOT membership is one of the better returns on investment a town board will find in its budget. Between our legal and technical staff fielding your calls, our advocacy work in Albany defending Home Rule on issues like ORES siting and unfunded mandates, our training programs, and our cost-savings initiatives like the newly launched EPIC Fund NY, an investment pool we're sponsoring in partnership with PFM Asset Management to help towns earn a stronger, safer return on idle funds, membership dues go directly back into the tools your town

“This is not an abstract policy debate playing out in Albany; it is happening in real towns, on real farmland and forests, and it will keep happening. Understanding how the process works, and how to engage with it, is now a basic part of the job.”

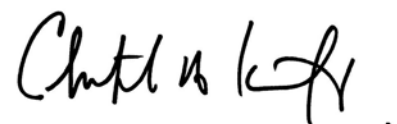
uses every day. As you build your budget, I would ask supervisors and board members to look at what NYAOT membership actually returns to your town over the course of a year. I think you'll find it holds up well against nearly any other line item.

I also want to build on something we featured in a recent issue: our microcredential partnerships, most recently with SUNY Potsdam, which now count toward the Certified Town Official program. Workforce development has come up again and again as a top concern from our members, and these partnerships are a direct response. A course in local government structure or in managing conflict through communication is not just an academic exercise; it is eight credits toward CTO accreditation, and it is a real, portable credential for the clerk, the code officer, or the aspiring supervisor building a career in town government. Through the New York Municipal Empowerment Foundation, our affiliate charitable corporation, we are also working to remove the cost barriers that keep current employees and newcomers alike from pursuing this training. If your town has not looked into the CTO program or the SUNY microcredential options, this is worth a conversation at your next staff meeting.

Finally, an update on EPIC Fund NY, the Empire Public Investment Collective we launched in partnership with PFM Asset Management. EPIC is a local government investment pool built to help towns earn competitive income on idle funds while preserving principal and maintaining daily liquidity, all with a stable one-dollar net asset value. EPIC represents the kind of member-driven, collective-strength solution NYAOT intends to keep building: tools that reduce financial strain on your budget and help keep costs down for the taxpayers you serve. If your town has not yet looked at whether EPIC makes sense for your reserve funds, I would encourage your supervisor or comptroller to reach out to our office.

Planning and zoning, ORES, this award, budget season, workforce credentials, EPIC — on the surface these might read as six separate topics. To me, they are one story: towns doing the day-to-day work of running their communities, and NYAOT doing everything it can to make sure that work stays possible, stays funded, and stays firmly in local hands.

Thank you, as always, for the work you do for your communities.





The Solar Power Struggle

Renewable energy is reshaping New York's rural landscape — and sparking a debate over who gets to decide what comes next.

By Paul Nelson,
Media Relations & Public Affairs Manager, New York Association of Towns

GLEN — On a sweltering hot July afternoon, Glen Supervisor Stephen Helmin drove around town, stopping to point out a few of the vast open fields of forest and farmland that could soon be dominated by solar arrays.

This highly agricultural town of about 2,700 people, with a large bustling Amish enclave in Montgomery County, is currently home to three solar facilities, each of them 5 megawatts.

That could all soon change in a big way.

A \$350-million proposal by Repsol Renewables of Houston, which has been approved by the state, calls for a sprawling 250-megawatt solar energy project.

Detractors see renewable energy projects as threat to agrarian lifestyle

Helmin and others in this 40 square-mile town are convinced the sheer size of project would forever alter the pristine nature of their rural community and heavily impact the environment.

"I'm not kidding about these being community-changing projects," Helmin said during a recent interview at town hall.

He worries about the fate of agricultural jobs and businesses that service farms as the homesteads struggle to survive. A far better way, Helmin said, to help preserve farms is to figure out why they're in a financial bind and help them out directly.

Those in town backing the controversial solar energy facility, including an ex-supervisor, counter that Glen, parts of which the state has designated as a disadvantaged community, stands to reap millions of dollars from the PILOT (Payment in Lieu of Taxes) and host community benefit agreement.

Municipal leaders in Glen and some other Upstate New York towns insist that their opposition to these major projects is driven by a desire to preserve the pastoral landscape of rolling hills and open fields that is home to livestock as the state ramps up its efforts to meet ambitious infrastructure and clean energy goals.

The Climate Leadership & Community Protection Act requires New York to cut its emissions by 2050.

ORES faces criticism over concerns about fairness of the process

The fierce debate in many of these places can pit neighbors against each other, and lead to complaints from state and local elected officials about what they view as a blatant disregard of local zoning and solar laws and the office granting favorable waivers to developers.

Office of Renewable Energy Siting and Electric Transmission (ORES) Interim Executive Director Jason Zehr said developers request waivers for assorted reasons, including for property line setback and height requirements, but that strong evidence needs to be presented to bolster those requests.

Still, he said that for the nine permits ORES issued last year, "On average, those projects complied with 91 percent of

the local laws,” and that only a relatively small percent of all the projects that have passed muster with ORES are on prime farmland.

The office’s web site states that ORES tries to ensure the “Relief does not go beyond what is reasonable, fair or necessary,” and that ORES often only partially waives a local law.

Senate Republicans have called for ORES to be abolished.

Created by the state Legislature in 2020 to streamline the permitting of renewable energy solar and wind projects that are 25 megawatts and larger, the office falls under the purview of the state Department of Public Service (DPS).

Lawmakers subsequently expanded ORES’ authority to cover the infrastructure needed to transport bulk high voltage electrical energy from power plants over long distances to local substations or to convert wind, water, and heat from the earth into clean electricity or power.

Zehr emphasized that the office does a lot of public outreach, including a team that fans out into the community to meet with residents.

He also noted that monies are earmarked for a municipality to hire an outside attorney or professional experts to review proposed applications.

“We strive to make sure that communities understand that process and get involved by visiting people in municipalities and explain the process and share it with them,” he said.

As of early August, ORES had approved approximately 36 utility-scale solar and wind projects, according to the state website.

The town of Glen, along with Montgomery County and a local environment group, are suing ORES over the Mill Point I development.

A spokeswoman for Repsol said the company is challenging the legal action.

“The issue of solar in Upstate New York is that they’re covering up farmland and replacing it with solar,” said Teresa Bakner, the attorney representing the town of



Glen. “The goal is to get it downstate, where there’s more of a need for it.”

Zehr said the state isn’t able to track the flow of electricity on the grid.

“When I think generation and power flow, I think about electrons and they go where they’re needed on the grid,” he said. “For us, we’re one state and we work together to benefit all residents across the whole state wherever that’s needed, and we know we need more because demand is at unprecedented levels right now across the state.”

ORES spokeswoman Kim Mashke said that the engineering is managed as one state-interconnected system and that

The way energy storage works is by capturing excess power, often from sources like solar or wind, and maintaining it in another physical or chemical form, then converting it back to electricity when the demand is high.

Unlike coal, oil, and gas, renewable sources do not run out, and they produce far fewer pollutants that contribute to climate change and poor air quality.

Battery energy, however, is not considered renewable, because they are made from finite minerals like lithium, cobalt, and nickel.

Batteries are essential for a renewable grid because by storing excess solar and wind energy for use later, that can help compensate for the intermittent nature of renewables, which are dependent on the water and therefore not always available.

Source: Brightline Defense and The American Clean Power Association (ACP)



“We would like to be able to determine how to best use our land too as it is our livelihood as we grow older, and we would also like to provide for our future generations.”

“it flows where it’s needed according to that engineering.”

Another project that’s under some scrutiny is the Sugar Maple solar facility in the Town of Croghan in Lewis County. The 125-megawatt also features a 20-megawatt battery storage system in neighboring Wilna in Jefferson County in the North Country.

Wilna Supervisor Peter Crump worries about the town having to foot the bill for the training to help local firefighters be better prepared to fight a blaze at the battery plant.

“It’s almost like another unfunded mandate,” he said, adding that he’s still waiting to see the details about the potential financial windfall to the town.

Croghan Town Supervisor Larry Boliver said the town has tried in vain for about 18 months to agree to terms on a host community agreement with the developer, AES Clean Power.

The town has hired an attorney to handle negotiations, said Boliver.

AES representative Jake Donelan confirmed during an interview in early August that the company is expected to provide nearly \$15 million in direct payments to Croghan and Wilna through a host community benefit agreement, as well as PILOT and tax payments to Lewis and Jefferson counties, school districts, and local fire districts. Additionally, residents in those two towns can expect to receive \$625,000 in utility bill credits over the first 10 years once the facility is up and running in 2029 or 2030.

Donelan said AES understands both sides of the argument.

“We recognize that some of this land is agricultural land, however it’s agricultural land that’s owned by private landowners who are very excited about the opportunity to potentially change their family’s fortunes by having this revenue coming in and not limiting them to having to farm it themselves or have to work with a local tenant farmer,” he said.

Boliver is admittedly not a fan of solar.

“We feel that solar does not work in this area because of our winters, and we benefit nothing from that, except a PILOT program and/or a host community agreement,” said Boliver. “We generate all this electricity, 125 megawatts, and the Town of Croghan gets absolutely none of it. That’s a bunch of crap.”

He also claims that ORES approved Sugar Maple on hundreds of acres of prime farmland even though the town’s zoning law on wind, solar, and battery storage centers forbids it.

“I think they’re a part of Albany, and Albany is going to do what they want,” said Boliver. “If Albany’s going to force it on us, which they’re doing ... why shouldn’t we benefit some way?”

Solar project spurs widespread discussions about rights of landowners

Boliver and Helmin complained about developers signing lease agreements with landowners long before town officials learned about their plans.

Andrew Barrett, lead project development manager for Mill Point Solar I, said Repsol has lease agreements with about 35 property owners in Glen.

Andrea Hauser, 68, and her husband, 83, are one of them.

She said during a public hearing last year that the couple agreed to lease their land to be able to afford to buy hay to feed their four rescue horses.

“When you own real property, you have certain rights that go along with that ownership. If this project is denied, my rights are being taken away from me,” she told the crowd. “We would like to be able to determine how to best use our land too as it is our livelihood as we grow older, and we would also like to provide for our future generations.”

Clark Egelston, a fourth-generation dairy farmer in Glen and part-owner of Glen Meadows Farm, said consenting to have solar panels installed on his property was a tough decision.

He said it will enable his family to continue running the farm on a smaller scale.

“I don’t think this project is going to destroy our town, or I wouldn’t have agreed to do it,” Egleston said. “On the contrary, I think it’s going to preserve what farmland we do have left both outside and inside the project.”

Chelsea Gandra, who also lives on Van Epps Road in Glen with her police-officer husband and two young children, recalled crying when she learned that the home near the residence the couple recently purchased would soon be transformed into a solar farm.

“I don’t want my children growing up near a solar farm,” said Gandra, a nurse. “The health impacts alone, I don’t want them near it, I don’t want myself near it, I don’t want my family near it.”

Sen. Kevin Parker, chair of the Senate Committee on Energy and Telecommunications, said we need to be mindful of the rights of property owners.

“When you look at some of these projects, some of them are being built on private land. I may not want to drive by and look at it, but it’s on private land and it’s being built as what we call, as of right, which means you don’t need the town, you don’t need the county, or anybody else to approve it, because it’s being built as of right, as long it’s meeting the state laws around environmental protection and safety, then that project can be built.”

Attorney Robert Rosenthal, the former general counsel to the state Department of Public Service, said the concept of waiving local laws has been state law since at least the 1970s.

“The statute requires ORES to apply local law except if they deem it unduly burdensome, that’s what the statutory language is,” he said, adding that the New York Siting Board, the entity that oversees major power plant projects, has the same authority as ORES.

Barrett, the rep with Repsol, said the company requested waivers because of what they viewed as unreasonable restrictions the town put on what private landowners can do with their property.

“They passed a law with very large setbacks and a limit on what a landowner can put panels on their property ... so in order to complete the project and meet what we think are generally acceptable standards of how solar projects are sited across the United States,” Barrett said.

He said large plots of land and transmission lines are key factors for Repsol when scouting potential sites for solar facilities. The town of Glen has both.

The Marcy-New Scotland line that runs from the Oneida County to the New Scotland substation in Albany County is nearby.

Solar energy facilities embraced by some town leaders

Former Glen Town Supervisor John Thomas, who has

served on the town and county planning board, during the public hearing last year on the Mill Point solar project, accused the planning board and town board of enacting “a solar energy law that looks like a solar energy ban.”

He cited the 500-foot minimum setback.

“This project financially benefits the landowners with ConnectGen contracts, and it financially benefits the taxpayers of Montgomery County, especially the taxpayers of Glen,” Thomas said.

Fort Edward Supervisor Tim Fisher said the town’s interaction over the course of several years with ORES and Boralex, LLC, the developer of a 100-megawatt solar project, were fair and transparent.

“From the board’s standpoint, it was a long process, but everybody had input,” he said.

Fisher said Boralex made concessions to scale back the proposal and to lessen its impact on people, wildlife and wetlands in the Washington County town.

“But at what cost?” Glen supervisor wonders about massive solar project

Rosenthal talked about the potential for millions of dollars to flow into the town, school district, and county coffers from community host deals.

“I’ve negotiated them, it’s a bilateral agreement between the developer and the town, and so the town can say in the agreement what it wants to use the money for,” he said. “Nowadays, where it’s really hard to attract any type of industry anywhere, that should be to me, a significant reason to want to support these types of projects.”

Rosenthal, a partner with Greenberg Traurig in Albany, said typically there’s a PILOT agreement with the local Industrial Development Agency (IDA) or a deal directly with the municipality, but that sometimes both can occur.

He said that the largest chunk of those monies, roughly about 80 percent goes to the local school district and the remainder is shared by the county and municipality.

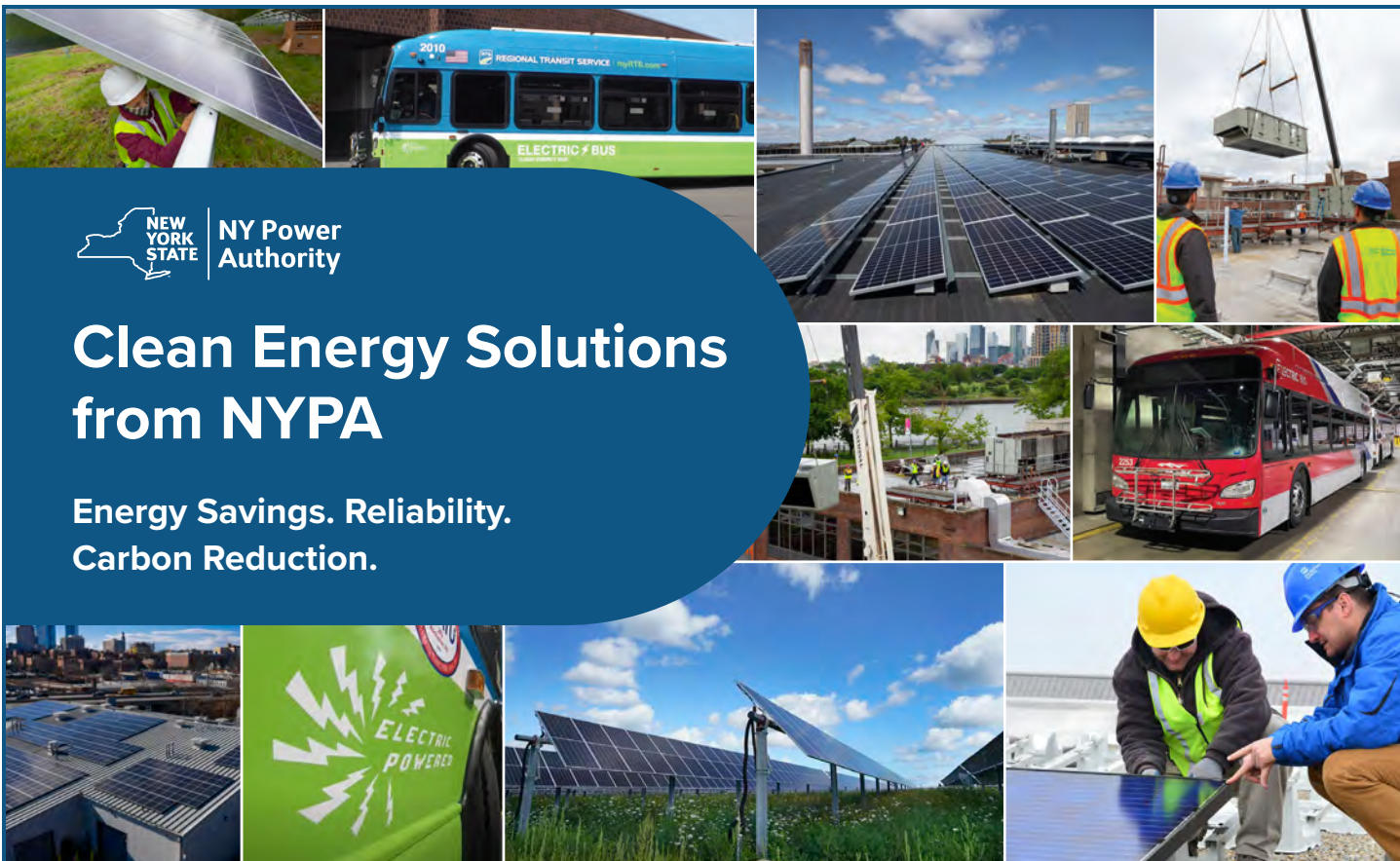
Rosenthal noted that ORES requires developers to put up an intervenor/intervener fund – money that towns get first dibs on – to hire lawyers and professional experts to review large-scale energy projects.

The pool of money, said Rosenthal, is based on a formula, but the larger the proposed project, the more money the developer has to make available.

Acknowledging the potential financial benefits of the project, Helmin said money is not the main issue for him.

“There’s monetary incentives. Potentially, could you do something else with the host community benefit agreement? Sure,” Helmin said, “but at what cost?”

Repsol’s web site about Mill Point mentions a host community benefits program where \$125,000 is paid into a fund yearly over the first 10 years of the project that would



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be used for annual utility bill credits.

Repsol also wants to build a second \$150 million 100-megawatt solar project in Glen called Mill Point II.

Home Rule superseded by state laws when it comes to renewable energy approval process

Glen Town Board member Jennifer Mete-Jeffer wonders about home rule.

“We have zoning laws and we have a whole process to figure out what’s best – let us have home rule back,” she said.

But the state law pre-empts all other state and local laws, including Home Rule, Rosenthal said.

NYAOT Executive Director Christopher Koetzle

emphasized that NYAOT, while not opposed to solar energy, continues to champion the preservation of Home Rule, and that local planning and zoning officials should determine where projects are sited within their borders.

In fact, the organization in its 2025 legislative goals, encouraged the state to make every effort to assist willing municipalities with smaller scale renewable energy development in their towns.

“The issue of Home Rule has been one of our mantras, a concept that we wholeheartedly believe in, and frankly an issue that town residents and leaders from one end of the state to the other, have resoundingly told us they want to see remain intact,” said Koetzle. “Let’s make sure we defend Home Rule. Let’s make sure that communities have a say in what goes in their community.” □

Postscript

About Battery Energy Storage Systems (BESS)

Parker said that a statewide task force recently updated guidelines for battery plants to ensure the safety of communities that have them.

He contends that the number of fires at these facilities are “greatly exaggerated” and that most of the technology has been upgraded.

“There are issues around energy projects that people are unhappy with all of the time,” Parker said, citing a proposed battery energy store facility that drew the ire or some of the constituents in his home district.

John D’Alessandro, a spokesman and secretary with the Firefighters Association of the State of New York, said the association strongly recommends that municipalities invite fire officials in early on to be a part of conversations about proposed projects about safety measures and a response plan.

“Our concern is that if we have to respond to something at any type of facility, whether it be any energy facility, a chemical facility, a manufacturing facility, that hopefully the physical layout is conducive to us being able to do our job effectively and safely.”

Parker has a bill in the Legislature that offers real property tax abatements for electric energy storage systems installed between January 2027 and January 2029. The measure, he said, encourages people to install a home

battery storage system, which Parker claims is safer than a generator, reduces the carbon footprint, and lowers utility bills.

Helmin, the supervisor in Glen, contends that the state sites solar and wind projects different from how it sites nuclear facilities.

“These communities find out halfway down the process that a company from out of state or from some other country have come in and have been talking to your people (property owners) and have been trying to put something in place,” Helmin said. “Why is our government going that way instead of being up front and asking communities if they want to be a part of this process?”

Despite the backlash, Parker said ORES is doing what the state charged it to do to make the electrical grid more sustainable long-term and that communication is key.

“We can’t have a dynamic in which every single community is going to say no to every single project or we’ll never get anything built,” he said. “I don’t think that we should be running over communities, but certainly we have to make sure that we are doing the most good for most of our people, but it’s incumbent upon legislators, politicians, and local and state governments to work with communities to walk them through the process so that they can become comfortable.” □

A Landmark Zoning Decision for Battery Energy Storage in New York

By Jacob H. Zoghlin, Esq., Underberg & Kessler LLP

Across New York, battery energy storage projects have become a familiar topic at town board, planning board, and zoning board meetings. Developers view these facilities as an important component of the state's evolving electric grid. Municipal officials must decide how to regulate the relatively new land use, while residents often raise questions about appropriate locations, safety, and community impacts. Increasingly, those discussions are finding their way into the courtroom.

A recent decision by the Westchester County Supreme Court addresses one of the most significant legal questions to arise from these projects: when a battery energy storage system needs a zoning use variance, should it be treated like an ordinary commercial development, or like public utility infrastructure?

In *Matter of Yorktown ESS, LLC v. Town of Yorktown Zoning Board of Appeals*, the court concluded that the public utility standard applies. While the decision arose from a dispute involving a single proposed project, its reasoning may influence future land use decisions involving energy infrastructure throughout New York State.

Battery energy storage systems (commonly known as BESS) have become one of the fastest-growing forms of energy infrastructure in New York State. As the electric grid incorporates more renewable energy sources, battery storage facilities play an increasingly important role by storing electricity when production exceeds demand and releasing it when additional power is needed. New York's broader energy policies, including implementation of the Climate Leadership and Community Protection Act (CLCPA), which establishes ambitious statewide clean energy and emissions reduction goals, have accelerated interest in energy storage projects. Battery storage is widely viewed as a critical component of a modern electric grid because it can improve reliability, support renewable energy integration, and help meet periods of peak electricity demand.

Understanding the Public Utility Variance Standard

Most property owners seeking a land use variance face a difficult legal burden. Under New York Town Law, an

applicant generally must demonstrate "unnecessary hardship," a demanding standard requiring proof that the property cannot realize a reasonable return if used only for permitted purposes, that the hardship is unique, that the requested variance will not alter the essential character of the neighborhood, and that the hardship was not self-created.

Public utilities, however, have long been treated differently.

Nearly fifty years ago, the New York Court of Appeals recognized in *Consolidated Edison Co. v. Hoffman* that public utility infrastructure presents unique siting challenges. Unlike many commercial developments, utility facilities often cannot simply be located wherever zoning permits. Their locations are frequently dictated by engineering requirements, transmission or distribution infrastructure, customer demand, or other technical or regulatory considerations.

Because of those realities, New York courts developed what is commonly called the Public Utility Variance Standard. Rather than proving unnecessary hardship, a qualifying public utility generally must demonstrate that:

- The proposed facility is necessary to provide safe and adequate utility service; and
- There are compelling reasons—economic or otherwise—making the proposed location more feasible than available alternatives.

Over time, New York State courts expanded this doctrine beyond traditional electric substations and water facilities. The Court of Appeals applied it to wireless telecommunications infrastructure, recognizing that cellular facilities also perform essential public functions while facing significant technological siting constraints.

Until now, however, no reported New York decision had squarely addressed battery energy storage systems.

The Yorktown Case

The dispute arose after Yorktown ESS, LLC sought approval to construct a 5-megawatt battery energy storage facility in the Town of Yorktown, New York.

According to the court's decision, the project entered the municipal approval process while battery storage facilities were permitted under the town's zoning regulations. During the review process, however, the town first adopted a moratorium and later enacted a local law prohibiting the type of battery storage facility proposed by the applicant. As a result, the developer was required to seek a land use variance.

Before the town's zoning board of appeals, the applicant argued that the project should be evaluated under the Public Utility Variance Standard because the facility functioned as part of New York's electric utility infrastructure.

The zoning board disagreed. It concluded that the traditional unnecessary hardship standard applied and denied the variance application under Town Law § 267-b. The developer then commenced an Article 78 proceeding challenging that determination.

The Court's Analysis

The court concluded that the zoning board had applied

the wrong legal standard.

In reaching that conclusion, the court relied heavily on decades of New York appellate precedent interpreting what constitutes a public utility for zoning purposes. Rather than focusing solely on whether a facility directly sells electricity to consumers, the court emphasized the broader role that modern utility infrastructure plays in an integrated and heavily regulated electric system.

The decision identified several characteristics of battery energy storage projects that supported treating them as public utility infrastructure, including:

- Battery storage facilities perform essential grid functions by storing electricity, improving system reliability, supporting renewable energy integration, and balancing fluctuations in electricity supply and demand.
- They operate within New York's comprehensive electric utility regulatory framework, including Public Service Commission oversight and utility interconnection requirements.
- The location of a battery storage facility is often dictated by engineering realities. The court observed that interconnection studies, hosting capacity analyses, and transmission constraints frequently determine where projects can feasibly connect to the electric grid, leaving developers with far fewer location options than traditional commercial uses.

The court concluded that these characteristics place battery storage facilities within the same category as other public utility infrastructure previously recognized by New York courts.

Importantly, the court did not order that the variance be granted. Instead, it annulled the zoning board's determination because the wrong legal standard had been applied and remanded the matter to the board for a new determination under the Public Utility Variance Standard. The court made clear that it was deciding only which legal test governed the application — not whether the applicant ultimately satisfied that test.

Why the Decision Matters

For battery storage facility developers, the ruling provides judicial support for the position that qualifying battery storage facilities should be evaluated under the specialized public utility framework rather than the traditional unnecessary hardship standard when a use variance is required. Although applicants must still satisfy the Public Utility Variance Standard, that framework recognizes the unique engineering and operational constraints associated with utility infrastructure.

For municipalities, the decision serves as an important reminder that whether a proposed land use qualifies as a public utility is ultimately a legal question governed by New York precedent. Local zoning boards retain broad authority to decide use variance applications, but they must first determine and apply the correct legal standard. Applying the wrong standard can result in an Article 78 challenge and require the matter to be reconsidered.

The decision may also influence how municipalities approach future zoning regulations governing battery energy storage systems. Although local governments

retain substantial authority to regulate land uses through zoning, those regulations must still be administered consistently with controlling state law and judicial precedent.

For property owners and residents, the decision does not diminish opportunities to participate in the local land use process. Public hearings, environmental review, and consideration of site-specific issues such as traffic, setbacks, visual impacts, and compliance with local regulations remain important components of project review. The decision instead addresses the legal framework governing one aspect of that review when a use variance is required.

Looking Ahead

The *Yorktown* decision reflects the continuing evolution of New York land use law as new forms of infrastructure emerge.

Historically, the public utility doctrine developed around electric substations, water systems, and other traditional utility facilities. As technology has evolved, New York courts have expanded the doctrine to encompass telecommunications infrastructure and certain energy projects. The *Yorktown* decision extends that reach to battery energy storage systems, recognizing the role that modern storage technology plays in the operation of today's electric grid.

Although the decision was issued by a trial-level Supreme Court, it is noteworthy because it is the first reported New York decision to directly address whether battery energy storage facilities qualify as public utility infrastructure for purposes of zoning variances. Unless and until an appellate court addresses the issue, the decision is likely to be closely examined by developers, municipalities, zoning boards, and practitioners confronting similar questions. Whether the decision is appealed or whether other courts adopt the same reasoning remains to be seen, but it has already become an important addition to New York's developing body of law governing energy infrastructure and local land use regulation.

The decision does not eliminate local zoning authority over battery storage projects, nor does it guarantee approval of future applications. Municipal boards retain responsibility for evaluating whether applicants satisfy the applicable legal standard and whether proposed projects comply with other local and state requirements.

As battery storage projects become more common throughout New York and communities continue balancing local land use objectives with statewide energy goals, the *Yorktown* decision provides meaningful guidance regarding the legal framework that may govern future variance applications involving this rapidly expanding form of energy infrastructure. □

Jacob H. Zoghlin is a Partner in Underberg & Kessler LLP's Litigation department and chairs the firm's Environmental Law and Municipal Law practice groups. His practice focuses on environmental, land use, energy, and municipal law. He regularly represents towns, developers, and community members in matters involving SEQRA, zoning, permitting, and land use litigation. He can be reached at jzoghlin@underbergkessler.com or (585) 258-2834.



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Ch Ch Changes

What New York Municipalities Need to Know about the 2026 SEQRA Amendments

*By Frances Kabat, Environmental Impact
Group Program Manager, LaBella Associates*

The State Environmental Quality Review Act (SEQRA) has been amended several times since it was enacted by the New York State Legislature in 1975. SEQRA requires local, regional, and state government agencies to evaluate the environmental impacts of proposed discretionary actions (typically, real estate development projects). In 2026, several important updates were made to both the statute and its implementing regulations to address environmental justice, climate- and weather-related hazards, and development obstacles for specific types of real estate development projects.

Collectively, these changes expand the environmental issues municipal boards must consider during the State Environmental Quality Review (SEQR) process while also revising timeframes associated with project review and even creating new Type II actions and statutory exemptions. For example, new topics that need to be considered include a proposed project's proximity to a disadvantaged community (DAC), a proposed project's vulnerability to damage from a projected 100-year flood, and newly created exemptions for affordable housing and municipal water and wastewater infrastructure.

Recent Regulatory Amendments to SEQRA

On June 12, 2026, several notable SEQRA amendments became effective. These include changes based on the Environmental Justice Siting Law, Community Risk and Resiliency Act, and changes to the Type II list.

Environmental Justice Siting Law and Community Risk and Resiliency Act Amendments to SEQRA

New York State enacted the Environmental Justice Siting Law in 2022. The law requires environmental justice considerations to be incorporated into state and local decision-making affecting disadvantaged communities.

The Community Risk and Resiliency Act was enacted by New York State in 2014. The law requires state funding, facility-siting regulations, and permits to include consideration of the effects of climate risk and extreme weather events.

The Environmental Justice Siting Law amendments to SEQRA require the lead agency (or the principal agency responsible for undertaking, funding or approving a project) to determine, as part of its determination of significance, whether a proposed project may cause or increase a disproportionate pollution burden on a disadvantaged community. This includes evaluating impacts within a disadvantaged community or within one-half mile of a disadvantaged community.

Municipal officials may find the following resources helpful:

- [Disadvantaged Community Assessment Tool](#)
- [Disadvantaged Community Assessment Tool](#)

Methodology 6 NYCRR 617 - RIS Appendix A

The Full Environmental Assessment Form (FEAF) now includes questions regarding a project's proximity to a disadvantaged community, consistency with community climate change plans, air emissions, and potential climate- and weather-related hazards. A lead agency must evaluate an applicant's responses in Part 1 when completing Part 2 of the FEAF, which now includes additional questions addressing these new considerations.

For example, proposed air pollutant emissions or new sources of solid waste generation may trigger additional environmental review. Type I actions (which require a FEAF review and may require an Environmental Impact Statement) also require consideration of future physical climate risks, including a project's vulnerability to a projected 100-year flood and whether the project could increase the vulnerability of human or ecological communities to future climate or weather hazards.

The Short Environmental Assessment Form (SEAF) has likewise been updated to include questions regarding disadvantaged communities. As with the FEAF, the lead agency must evaluate the applicant's responses in Part 1 when completing Part 2.

New Type II Classifications for Residential Construction

The SEQRA regulations also establish new Type II classifications (which do not require a FEAF or SEAF review) for certain residential construction projects, including:

- Multifamily dwellings consisting of three-family residences;
- Certain residential buildings with four or more dwelling units that are less than 10,000 square feet which satisfy specified criteria, including the availability of existing on-site utilities and compliance with applicable zoning requirements; and
- Construction and rehabilitation of accessory structures, including sidewalks, parking areas, playgrounds, landscaping.

"Let Them Build" Amendments to SEQRA

In 2026, following an active legislative session, additional statutory amendments were enacted as part of Governor Hochul's "Let Them Build" agenda to streamline the SEQR process.

These statutory changes create several new, narrowly tailored SEQRA exemptions, including exemptions for certain multifamily housing, parkland and trail, green infrastructure, water and wastewater infrastructure projects, and public school facilities connected to existing water and sewer systems in New York City.

One of the changes is a statutory definition of

“previously disturbed” parcels, which applies to several of the new exemptions listed above. This new statutory definition includes parcels that have been substantially altered by prior development. Parcels recently used for agricultural purposes or parcels located in certain flood or coastal zone hazard areas are excluded from this definition. Of note, specific criteria apply based on size of the municipality.

Applicants can seek judicial relief if an application for a permit or authorization is not determined to be exempt from SEQOR within 120 days of receipt by the reviewing agency (subject to extensions in specific circumstances). Once a lead agency is established, the lead agency only has one year to determine if a project will require an Environmental Impact Statement (EIS). For projects involving an application for a permit or authorization, a lead agency has two years to complete the EIS after the date the draft EIS is determined to be required (subject to extensions in specific circumstances).

Finally, these statutory changes revise the statute of limitations governing judicial challenges to SEQRA determinations by clarifying when the limitations period begins to run after the lead agency’s determination becomes final and binding on the applicant.

What Municipalities Need to Know:

- If a proposed project is located within or within one-half mile of a disadvantaged community, the lead agency must evaluate whether the project may cause or increase a disproportionate pollution burden on that community.
- Type I actions now require consideration of future physical climate risks, including a project’s vulnerability to damage from a projected 100-year flood and whether the project could increase climate- or weather-related risks to human or ecological communities.
- Governor Hochul’s “Let Them Build” initiative also created several new, narrowly tailored SEQRA exemptions for certain projects, including qualifying multifamily housing, parkland and trail, green infrastructure, water and wastewater infrastructure, and New York City school facility projects.

These changes do not eliminate existing regulatory requirements governing

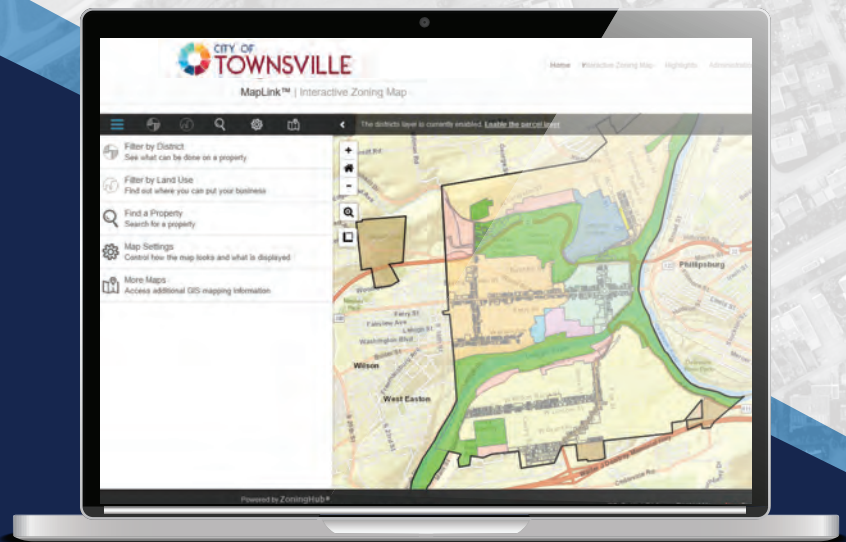
wetlands, floodplains, stormwater management, endangered species, or other environmental permitting programs. Successful project planning will continue to require proactive environmental review, early due diligence, and coordination with the New York State Department of Environmental Conservation and qualified environmental consultants who can help navigate these evolving requirements in New York State. □

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What's Keeping Town Officials Up at Night — and What They Need to Move Forward

In recent surveys, NYAOT members highlighted the challenges facing local governments and the training, resources and support towns need to meet them.

New York's town officials are navigating an increasingly complex local government landscape. From tight budgets and aging infrastructure to workforce challenges, evolving regulations and the demands of modern technology, the responsibilities of running a town continue to grow. At the same time, many towns are working with limited staff, limited resources and little room for error.

Recent surveys conducted by the New York Association of Towns offer insight into the issues members are facing and the types of education and resources they value most. Together, the responses highlight a clear need for practical guidance, accessible training and opportunities to learn from others navigating similar challenges.

The Challenges Facing Towns

When asked what challenges might keep them up at night, NYAOT members identified a wide range of concerns. While individual circumstances vary from town to town, several recurring themes emerged: financial pressures, staffing and succession planning, infrastructure needs, regulatory requirements and the challenges of keeping pace with a changing world.

Financial Pressures and Infrastructure Needs

Budget constraints remain a significant concern for

town officials. Respondents described the difficulty of maintaining essential services, funding infrastructure improvements and managing rising costs without placing additional burdens on residents.

Several members specifically identified the challenge of maintaining budgets within the state's property tax cap while addressing costs that towns cannot easily control. Others pointed to budget shortfalls, long-term financial planning and the need for better management of municipal funds.

Infrastructure was another consistent concern. Towns are responsible for maintaining critical systems, including roads, water lines, sewer systems and public facilities. Respondents described aging infrastructure, water and sewer debt, and the difficulty of funding necessary improvements when grant opportunities are limited or unavailable.

For some communities, the challenge is not simply identifying what needs to be done, but finding the resources to do it.

Workforce, Leadership and Succession Planning

The availability of qualified employees and local government leaders was another prominent concern. Members described difficulties recruiting and retaining staff, finding candidates for elected and appointed positions, and managing the loss of institutional knowledge when experienced employees or officials leave.

Small towns often rely on employees who perform multiple functions, making the departure of one person

particularly disruptive. Respondents also noted the challenges of operating without dedicated human resources departments, IT staff or other specialized personnel.

Leadership and organizational structure were recurring themes in the written responses. Members identified the need for stronger communication, effective management, employee development and a clearer understanding of municipal responsibilities.

Succession planning was also highlighted as an important issue. As experienced town officials retire or leave office, communities must find ways to preserve knowledge and prepare the next generation of local government leaders.

Navigating Regulations and Local Government Responsibilities

Town officials continue to face the challenge of understanding and implementing an extensive range of laws, regulations and requirements. Survey responses referenced concerns about state mandates, home rule, ethics, tax collection, human resources, land use and other areas of municipal administration.

Members also identified the difficulty of finding clear answers to questions specific to municipal government. For small towns without specialized staff, determining how to interpret requirements and apply them appropriately can be a significant undertaking.

Land use and development present additional challenges. Respondents raised questions about planning and zoning, managing growth, protecting community character and responding to emerging development proposals. Others expressed concern about balancing local priorities with broader state and regional pressures.

These responses underscore the importance of education that is accessible, timely and directly applicable to the work of town officials.

Technology, Cybersecurity and Modernization

Technology is becoming an increasingly important part of local government operations, but not every town has the resources or staff to keep pace.

Members identified outdated software, paper-based records, aging office equipment and the need to improve digital access to town information. Cybersecurity and the lack of dedicated IT support were also mentioned as concerns.

For smaller communities in particular, the cost of modernization can be a barrier. Respondents described the need for assistance identifying affordable technology

solutions and improving efficiency without placing additional strain on municipal budgets.

At the same time, interest in artificial intelligence and other emerging tools suggests that town officials are looking for ways to use technology to improve operations, streamline work and better serve residents.

Public Engagement and Trust

Several respondents identified communication, transparency and public engagement as important challenges. Members described the difficulty of keeping residents informed, managing misinformation and maintaining public trust.

Others pointed to the challenges of conducting public meetings, addressing difficult conversations and ensuring that residents understand the decisions and processes of local government.

These concerns reflect the increasingly important role of communication in municipal leadership. Town officials must not only manage operations and comply with regulations, but also explain decisions, engage residents and build confidence in local government.

What Members Want from Their Training

The companion survey on member-suggested training topics provides a closer look at how town officials want to learn and what they expect from NYAOT's educational programming. The results show that members value flexibility, practical information and opportunities to apply what they learn to their work.

A Preference for Both In-Person and Virtual Education

When asked how they prefer to learn or receive training, in-person training and virtual education tied for the highest response, with each selected by 74 percent of respondents. Printed publications and resources were selected by 35 percent, while 37 percent expressed interest in discussion forums where members can ask questions and receive answers from peers. One-quarter of respondents indicated an interest in longer, more in-depth courses on particular subjects.

The results suggest that you – our members – value multiple ways to access education. Conferences and training schools remain important opportunities for learning and networking, while webinars, on-demand programming and written resources provide flexibility for officials managing busy municipal schedules.

Practical, Applicable Education

When asked what makes a conference worth attending,

the most common response was practical takeaways that could be implemented immediately, selected by 81 percent of respondents.

Updates on laws, regulations and policy changes followed at 66 percent. Other frequently selected factors included exposure to new ideas and solutions, access to subject-matter experts and networking with peers.

The message is clear: members want education that helps them address real challenges in their towns.

Traditional classroom-style presentations and interactive workshops were the two most frequently selected training formats. Case studies and real-world examples were also popular, followed by peer-led panel discussions and roundtables and Q&A sessions.

Training that Meets Members Where They Are

Members expressed varied preferences regarding the level of training they need. Sixty percent indicated that the level depends on the topic, while others selected foundational, intermediate or advanced education.

This reinforces the importance of offering programming that serves officials at different stages of their careers. Newly elected officials may need foundational instruction on municipal responsibilities, while experienced officials may be looking for advanced strategies, specialized guidance or updates on emerging issues.

Responses demonstrated that a flexible approach to session length and course design can help ensure that educational offerings are both manageable and appropriately detailed. The preferred session length was generally one hour, selected by 38 percent of respondents. Another 27 percent indicated that the ideal length depends on the topic, while 20 percent preferred 45-minute sessions.

Looking Ahead: Training Priorities for 2027 and Beyond

Members were also asked which topics they would like NYAOT to provide training on in 2027 and beyond. Several areas stood out.

Artificial intelligence in local government and grantwriting and grants management tied as the most frequently selected topics, each receiving 52 percent of responses. Managing difficult conversations and public meetings followed at 49 percent.

Other areas of interest included building and retaining public engagement and trust, planning and zoning trends, tools for efficiency, succession planning, fiscal and long-term budget management, leadership and shared services.

The results reflect both longstanding municipal needs and emerging priorities. Town officials are looking for help securing funding, managing resources, improving efficiency and navigating the changing demands of public service. Our members are also looking for ways to prepare for the future through stronger leadership, better succession planning and the responsible use of technology.

Supporting Towns through Education and Engagement

Members are asking for practical information, timely updates, accessible education and opportunities to connect with peers. You want resources that help you manage the responsibilities of public office and make informed decisions for your communities.

For its part, NYAOT will continue planning education and training the best it can to deliver on the breadth of issues that local officials are managing in a range of educational formats to meet those needs.

Through our conferences, webinars, publications, foundational courses and other member services, NYAOT can continue helping town officials build knowledge, share solutions and navigate the demands of local government. Please be sure to regularly check our website, this magazine, our social media, app and emails for year-round training and education opportunities. □

2027 Towns of Excellence Application Period is Open

The NYAOT Towns of Excellence Program: Celebrating What Makes Your Town Exceptional

The New York Association of Towns is proud to launch the Towns of Excellence Program, a new initiative recognizing towns that exemplify outstanding leadership, innovation, and community commitment across New York State. Whether it's pioneering sustainability efforts, revitalizing your downtown, fostering civic engagement, investing in staff development, or maintaining fiscal transparency, each town has a story worth celebrating.

What Is It?

The Towns of Excellence Program honors towns that go above and beyond in the areas that matter most to strong, thriving local government, including: economic development; sustainability and sound planning; community engagement; quality of life; governance and

transparency; and workforce development.

Towns that meet baseline good governance criteria (like timely filings and training attendance) and demonstrate excellence in one or more categories will be eligible to receive Gold, Silver, or Bronze recognition and designation as a Town of Excellence.

Why Apply?

- Receive statewide recognition for your town's achievements
- Get featured on NYAOT's new Towns of Excellence webpage
- Use the official Towns of Excellence badge on your town's website and documents
- Be honored at the NYAOT Annual Meeting in front of your peers

How to Apply

The application is simple and designed to let you tell your town's story. All submissions are welcome! To apply for our Towns of Excellence Program, please visit <https://bit.ly/NYAOTawards>.

Deadline: November 1

Please reach out to Katie Hodgdon with any questions regarding the program or your application at khodgdon@nytowns.org

2027 Individual and Town Awards Celebrating Achievements and Innovation in Local Government

A. Innovation in Local Government Award

The Innovation in Local Government Award recognizes an elected, appointed town official (including staff) or a town that has implemented innovative practices or programs that have significantly improved government operations or services. This award celebrates creativity, forward-thinking solutions, and the effective use of technology to enhance local government functions.

Criteria (as established by the 2024-2025 Member Engagement Committee):

- Must be an elected, appointed town official (including staff) or a town within NYS.
- Must be a participating member in good standing with the New York Association of Towns.
- Implementation of innovative initiatives or programs with measurable positive outcomes.

- Creative use of technology to improve government services and operations.
- Replicable models that can be adopted by other local governments.
- Positive impact on the efficiency, effectiveness, and transparency of local government.
- Engagement of community stakeholders in the innovation process and/or transparency.
- Up to (1) per region (as defined by the NYS Regional Map) may be awarded.

B. Public Servant Meritorious Award

This award honors an individual who has demonstrated exceptional dedication and service to their community. The recipient will have shown outstanding commitment to public service, significantly improving the quality of life for residents through innovative initiatives or sustained excellence in their duties.

Criteria (as established by the 2024-2025 Member Engagement Committee):

- Must be an elected or appointed official in a town within NYS.
- Must be a participating member in good standing with the New York Association of Towns.
- Demonstrates a strong commitment to public service and community betterment.
- Shows innovation in solving local issues or improving public services.
- Exhibits leadership qualities and the ability to inspire others.
- Has made a significant, positive impact on the community through their work.
- Up to (1) per region (as defined by the NYS Regional Map) may be awarded.

For details on how to submit award nominations, please visit <https://bit.ly/NYAOTawards>. □

Summary of Executive Order 62 on Data Centers

By Sarah Brancatella, Deputy Director, NYAOT

Governor Hochul signed Executive Order 62 on July 14, 2026, imposing a moratorium on data centers that consume 50 megawatts or more, pending completion of a statewide environmental review. Note: this is separate

from S10642/A11560, the legislation passed by the Senate and Assembly in June that would impose its own data center moratorium. The Governor has until the end of December to act on that bill. Below is a detailed summary of the Executive Order, and towns should pay special attention to the Community Investment Framework and state permit pause.

Overview

- The Executive Order pauses DEC from issuing any permits related to data centers while DPS conducts an environmental review and issues a Generic Environmental Impact Statement under SEQRA. Towns may still issue their own permits.
- ESD will create guidelines for host community benefits
- DPS must explore creating a fund to make sure that any grid improvements needed because of datacenters are paid by datacenters, not overall ratepayers.
- DPS must convene a working group on things like who pays for the cost of improvements, if costs can accurately be estimated, and how data centers and large users connect to the grid.
- DEC must look at regulations currently in place for large-use water consumers to see if they need updating.

Definition of “Data Center”

Under this Executive Order, a facility qualifies as a “data center” if it meets all three of the following conditions:

- It contains infrastructure such as backup power systems, specialized cooling for high-density computing equipment, and/or dedicated cybersecurity systems.
- It provides data storage, cloud computing, or content delivery services—whether to outside customers, internal operations, or affiliated businesses—often on a continuous basis.
- It consumes, or has the capacity to consume, 50 megawatts of electricity or more.

Facilities primarily used for manufacturing, research, education, or medical care are exempt from this definition, even if they meet the criteria above.

DEC Permit Pause Pending Environmental Review by DPS

The Department of Public Service (DPS) must produce

a Generic Environmental Impact Statement (GEIS) as part of a formal SEQRA process examining data center construction and operation impacts, including energy demand, water use and quality, air quality, noise, and disproportionate impacts on disadvantaged communities. DEC must assist, and the process must include a public comment period and public hearing. There is no fixed deadline for completing the GEIS.

Until DPS finishes and submits the GEIS and findings statement, DEC must pause any discretionary permit application associated with data center construction or expansion that:

- is pending before DEC or may come in later, and
- had not already been deemed complete by DEC as of July 14, 2026.

The freeze applies only to DEC discretionary permits; it does not affect local governments’ ability to act on permits data centers require at the local level. Note that DEC does not permit data centers themselves; however, data center projects may require certain DEC permits, such as water or air permits, in connection with construction.

Community Investment Framework (guidelines for host community benefits)

Empire State Development (ESD) must solicit feedback on and publish a Community Investment Framework on its website within 60 days, providing guidance to local governments and entities like IDAs on negotiating community benefits with data center developers. The guidance must address:

1. Community investment funds capitalized by data center developers/operators, usable for energy affordability efforts and public service enhancements such as child care, K-12 programming, or infrastructure.
2. Investment in local infrastructure such as energy distribution systems, broadband, irrigation systems, or wastewater treatment plants.
3. Labor frameworks that give organized labor a seat at the table and prioritize prevailing wage standards, project labor agreements, local hiring, and apprenticeship/workforce development.
4. Transparency measures so communities understand key economic metrics associated with data center development.

New York Grid Acceleration Fund

DPS must explore creating a fund that would shift the cost of grid upgrades needed to serve data centers onto the data centers themselves, rather than other ratepayers. This could include requiring data centers to pay upfront for grid improvements, participate in demand response programs, help fund new clean energy supply, and contribute to an insurance pool protecting ratepayers if a project is delayed, scaled back, or cancelled after infrastructure investments have already been made.

Interconnection, Reliability, and Cost Allocation

DPS must form a working group within 60 days to address how data centers and other large power users connect to the grid, ensuring those customers (not other ratepayers) pay for the network upgrades their projects require. DPS must also convene the state's utilities within 90 days to review whether current methods for studying grid impacts are adequate to accurately estimate and manage these costs. DPS and the Public Service Commission may also create new rate classifications specific to data centers.

Data Center Water Withdrawal Review and Report

DEC must assess whether new or amended regulations, policies, reporting, or guidance are needed to ensure its water withdrawal program requirements (6 NYCRR Parts 601 and 602) reflect the water demands of large-use customers, including data centers. No later than 12 months after July 14, 2026, DEC must deliver a report on the results of this assessment and identify potential regulatory, policy, and guidance actions.

Community Investment Framework

On September 16, Governor Kathy Hochul announced the release of the nation's first statewide Host Community Investment Framework for Data Center Development, delivering on a commitment made through Executive Order No. 62 to provide local governments with a new tool to ensure communities hosting data centers directly share in the economic benefits generated by these projects. Executive Order No. 62 established a first-in-the-nation moratorium on data center development and directed Empire State Development to formulate the Community Investment Framework.

The voluntary framework establishes a recommended community investment benchmark of \$1 million for every megawatt of utility demand associated with a data center project, recognizing the significant land, energy and infrastructure requirements of data centers and

their comparatively lower number of permanent jobs per megawatt of electric demand. The benchmark is intended to help communities negotiate meaningful, long-term investments that reflect the scale of the projects they host.

What is the Community Investment Framework (CIF)?

The CIF serves as a voluntary mechanism to help local governments, municipalities, and

Industrial Development Agencies (IDAs) negotiate effectively with prospective data center developers and/or operators, focusing on four core pillars:

- Establishing Good Neighbor Commitments
- Enforcing Workforce & Labor Standards
- Standardizing Transparency & Accountability
- Specifying Targeted Investments

How the Framework Should Be Used

For Local Governments and Municipalities: The CIF can serve as a practical roadmap during negotiations with developers to help secure tangible community benefits, structure investment funds, and address local infrastructure or environmental needs.

For Community Stakeholders: The CIF offers a helpful reference for identifying eligible local investment areas—such as public infrastructure upgrades, broadband expansion, childcare facilities, K-12 educational programming, and blight remediation—to ensure local growth translates directly into lasting public value.

For more information and resources, including sample templates, please visit esd.ny.gov/communityinvestmentframework.

ESD strongly encourages communities to share their completed CIFs to help establish a

compilation of best practices. Please share completed versions to DataCenterCIF@esd.ny.gov. □

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Last year, we launched a brand new exclusive member benefit designed to save our members real dollars on things they were already purchasing. Since then, more than 533 accounts have enrolled to claim this exclusive member benefit, and 97 percent of our member accounts are spending / saving with Amazon.

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- \$112,500 in program savings (curated discounts; B2B) +
- \$426,500 in Amazon Business Prime fees =
- For a total of \$613,000 in savings.

Our partnership with Amazon has led to our 533 participating member towns saving \$73K in shipping fees, \$113k in special discounts for products purchased (price reductions), and \$427k in waived Prime fees. All together, we saved the 533 participating towns \$613k. That's about \$1,150 per town on average!

To take advantage of this great member benefit, please reach out to Director of Communications & Member Engagement Libby Schirmer via lschirmer@nytowns.org, or call our offices at (518)465-7933 to begin saving today. □

Risk Management Can Positively Affect Financial Performance

By Robert Blaisdell, Director of Loss Control, Comp Alliance

Public administrators may wonder about the financial implications of effective risk management practices in the workplace. After all, it is difficult to quantify how much money can be saved through workplace safety procedures. It takes a thoughtful, forward-thinking administration to understand the impact safety has on employee and public well-being, community assets, product quality, and public functions. Though it may be difficult to quantify the cost of an accident that did not happen, effectively managing risks in your municipality will benefit your bottom line.

Risk management is the process of forecasting and evaluating personal, property, and financial risks, then identifying procedures to avoid or minimize their impact. By identifying potential hazards, analyzing their impact, implementing safeguards to prevent or minimize risk, and monitoring the work environment, municipal officials will have better overall control of the workplace and improved operations. This ensures a safer work environment for everyone involved.

Conversely, poor risk management can lead to significant personal, property, or financial losses. Direct costs from injuries include payment of lost wages, medical expenses, overtime expenses, legal fees, and higher insurance rates. Indirect costs include training replacement employees, accident investigation and implementation of corrective measures, lost productivity, damaged equipment,

property repairs, and costs associated with lower employee morale and absenteeism.

Employees are any organization's greatest asset, and managing their safety and well-being is vital to maintaining financial success. Costs associated with personal protective equipment (PPE) can add up depending on the number of employees, the hazards of the occupation, and the extent of training on its proper use. The injury it is intended to prevent, however, can be far more costly. An injury affects not only the employee but also the department staff filling in during their absence. This might mean overtime pay, additional injuries from excess work, added stress from increased workloads, and more. Stress is also shown to increase workplace injuries and property and equipment damage, as workers can't fully concentrate on the work at hand.

The short-term expense of PPE can be easily justified when weighed against the long-term impacts of an unsafe workplace. Some PPE can be used for several job functions, allowing costs to be spread across seasons and purposes, saving money in the process. A few pairs of safety chaps are likely necessary for chainsaw use in a typical highway operation, each costing up to \$150. These chaps can last up to ten years with appropriate care and use. When a chainsaw rips through a pair of jeans and into an employee's leg muscles, serious, long-lasting injuries result, taking the employee away from work for a substantial period and increasing the load on the rest of the department.

Training on the use and availability of PPE has also improved workplace productivity, saving money and time to get the job done. Employees using PPE can maintain a positive mindset and focus on their work without worrying about their own or their colleagues' safety. Management that supports this positive work environment will be successful in maintaining work quality and financial stability.

Other risk management programs that provide financial benefits to municipal operations include:

- **Safety Training:** Frequently provided at no or minimal cost to the municipality, safety training includes mandatory topics like Workplace Violence Prevention, Right-to-Know, and Bloodborne Pathogens, which inform staff of safety procedures to minimize injuries. Specialty programs may require outside instruction but provide valuable information to relevant staff to keep them safe. The Comp Alliance focuses safety training programs on keeping employees safer and smarter in the

workplace.

- **Loss Control Inspections:** Risk management staff focus their knowledge of various hazards, typical and unique, on those likely to contribute to a workplace injury. They report those deficiencies and recommend remediation methods. Inspections should be completed on a routine basis and include both municipal operations and facilities. The inspection process is one of the risk management benefits for Comp Alliance members.
- **Safety Committee Meetings:** These meetings benefit municipal operations through the sharing of safety programs, review of workplace injuries, recommendations for controlling current injuries, and other beneficial information shared between departments to improve overall workplace safety. Discussing information can provide a financial benefit when resources are shared across departments.
- **Equipment Safeguards:** Much of the focus for loss control inspections is around identifying hazardous equipment likely to contribute to a workplace injury. This includes equipment such as grinders, power saws, chainsaws, and auto lifts. There are safety standards this equipment must comply with, and a good loss control person will note them. Most of the newer equipment purchased today comes standard with upgraded safety components. Proper guarding, installation, safety devices, and inspections will ensure safe operation and minimize employee injuries.
- **Vehicle Safety Features:** Many cars and trucks purchased today have a variety of safety features that make driving easier and safer. Today's trucks have come a long way from the implementation of seat belts in 1955. Features like easier entry and exit, battery disconnects, crash protection systems, comfortable seating, HVAC improvements for visibility, and better headlights protect occupants during an accident.
- **Claims Review Analysis:** As part of the safety committee process, a claims review analysis is a beneficial process where accident data can be collected and analyzed to determine the root cause of loss and mitigation steps to prevent repeat injuries. An annual claim analysis will bring the administration's attention to the types of losses occurring and recommend steps to reduce these losses.

While PPE, updated equipment, and training may be short-term expenses, each provides safety and security to

limit the long-term expenses associated with workplace injuries. Additionally, these improvements can boost employee morale and productivity. By protecting employees' physical and emotional well-being, effective risk management leads to fiscal benefits for cities and villages. If you have questions regarding this information, please reach out to Robert Blaisdell at rblaisdell@wrightinsurance.com. □

When Financial Reporting Falls Behind, Local Government Leaders Lose Visibility

By [Timothy Doyle](#), on August 26th, 2026

Annual financial reporting is a familiar responsibility for local governments. While meeting filing requirements remains important, the reporting process can also provide valuable insight into the overall health of an organization's financial operations.

When annual reports are delayed, the filing itself is often only one part of the story. Reporting backlogs can reveal broader challenges, including staffing shortages, competing priorities, outdated processes, or limited capacity within the finance function. Addressing those issues early can help organizations maintain accurate financial records and provide leaders with the information they need to make informed decisions.

Growing Pressure on Local Government Finance Teams

Finance teams across the public sector continue to face increasing demands. Retirements, recruitment challenges, evolving reporting requirements, and growing expectations for transparency have made it more difficult for many governments to maintain the staffing levels and expertise needed to support day-to-day financial operations.

Many local governments rely on a small number of individuals to manage accounting, payroll, budgeting, grant reporting, cash management, audit preparation, and year-end reporting. When a key team member leaves or workloads increase, routine activities such as reconciliations, financial reviews, and closing procedures can quickly fall behind.

Over time, those delays can create a growing backlog that becomes increasingly difficult to address while meeting ongoing operational demands.

The Real Risk: Reduced Visibility for Decision-Makers

Strong financial reporting supports more than compliance. It provides elected officials, administrators,

finance leaders, and governing boards with the visibility needed to make sound decisions throughout the year.

Budget development, capital planning, grant administration, debt management, and long-term financial forecasting all rely on accurate and timely financial information. When records are incomplete or reporting is delayed, leaders may have a less clear understanding of available resources, spending trends, project costs, restricted funds, or future obligations.

Limited visibility can make it more challenging to evaluate priorities, allocate resources, respond to emerging issues, and plan for future investments. Current financial information supports better decision-making and helps build confidence among residents, lenders, grantors, and other stakeholders.

Rebuilding Capacity & Confidence

As finance departments face growing demands, many local governments are exploring new ways to strengthen financial operations while managing staffing constraints. Solutions may include process improvements, technology enhancements, staff development, or additional financial expertise.

For some organizations, outsource accounting and finance support can provide the flexibility needed to address immediate challenges while improving long-term financial operations. Support may range from reconciliations and financial statement preparation to budgeting, forecasting, grant management, audit readiness, and ongoing finance department support.

Governments that successfully address reporting challenges often gain benefits that extend beyond meeting a filing deadline. Improved processes, stronger documentation, more consistent reporting routines, and enhanced financial visibility can help support more informed decision-making throughout the year.

Questions Leaders Should Be Asking

A periodic review of financial operations can help identify challenges before they become larger issues. Questions worth considering include:

- Are all bank accounts reconciled and reviewed regularly?
- Are financial reports timely, accurate, and useful for decision-making?
- Are grants, capital projects, and debt obligations being tracked effectively?
- Have audit adjustments and recommendations

been fully addressed?

- Does the current finance structure provide sufficient capacity to meet reporting, budgeting, and compliance responsibilities?
- Do leadership teams have the financial information they need to make confident decisions?

The answers can help determine whether a government would benefit from process improvements, additional resources, targeted support, or a more comprehensive outsource accounting and finance solution.

Looking Beyond the Next Filing Deadline

Annual reporting deadlines will always be an important milestone. The strength of a government's financial operations throughout the year, however, has a far greater impact on its ability to plan, adapt, and serve its community effectively.

Organizations that invest in strong financial processes are often better positioned to manage risk, navigate uncertainty, capitalize on opportunities, and maintain public trust. Reliable financial information provides a stronger foundation for both daily operations and long-term strategic decision-making.

If you have any questions or are interested in learning more, we are here to help. Please do not hesitate to [reach out](#) to discuss your specific situation. □

NYAOT Member Towns Can Save Money with Utility Audits

We've partnered with provider National Utilities Refund to help towns identify and recover overcharges and billing errors on their utility expenses. Through comprehensive utility bill audits, the company reviews electricity, natural gas, water/sewer, trash hauling, and telecommunications invoices to uncover billing discrepancies, incorrect meter classifications, outdated charges, and other opportunities for savings. National Utilities Refund also helps municipalities secure competitive energy supply rates and ensure ongoing billing accuracy. With more than 60 years of combined auditing experience and a 100 percent contingency-based model, the program offers a no-risk, no-obligation opportunity to reduce utility costs and return savings directly to the community.

To learn more about the program, check out their brief video on [YouTube](#), or reach out to Pat Kirk at Pat@nationalutilityltd.com for more information. □



2026 PLANNING AND ZONING SCHOOLS REGISTRATION FORM

Name _____

Title _____

Municipality _____

Address _____

City, State, Zip _____

E-mail Address _____

Phone () _____

SCHOOLS

(Please check the school you will attend)

Celoron (Chautauqua County) _____

Tuesday, August 11, 2026

Harbor Hotel

10 Dunham Ave, Celoron, NY 14720

Lake George (Warren County) _____

Thursday, October 1, 2026

Fort William Henry Hotel

48 Canada Street, Lake George, NY 12845

Fairport (Monroe County) _____

Thursday, October 22, 2026

Woodcliff Hotel & Spa

199 Woodcliff Drive, Fairport, NY 14450

FEES

The Association of Towns offers reduced registration prices to members:

- Member Registration: \$125.00 (pre-reg);
\$150.00 (at the door)
- Non-Member Registration: \$150.00 (pre-reg);
\$175.00 (at the door)

This Conference has been approved for 4 Continuing Legal Education (CLE) credit hours in Areas of Professional Practice, applicable to both newly admitted and experienced attorneys. Information regarding NYAOT's financial aid policy for CLE programs is available upon request.

- CLE Member Registration: \$200.00
- CLE Non-Member Registration: \$250.00

PAYMENT INFORMATION

Online Registration

We encourage you to register online for these schools as space is limited. Online registration can be done at www.nytowns.org. We accept ONLY Visa or Mastercard.

Mail-In Registration

Check enclosed in the amount of \$_____

(Make checks payable to Association of Towns of the State of New York)

Mail this completed registration form to:

Association of Towns of the State of New York
150 State Street
Albany, New York 12207

Registration includes: materials and hot breakfast.

Breakfast and registration opens at 7:00 AM, classes begin at 8:00 AM and end at 12:00 PM. Each location/date will provide a total of 4 credit hours of training.

Cancellation Notice

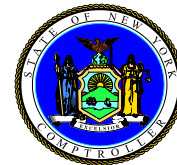
For refunds to be given, notice of cancellation must be received 10 days prior to event, less a \$10 processing fee. NO REFUNDS after that deadline.

Questions

Please contact the Association at (518) 465-7933 with any questions or concerns.



2027 NEWLY ELECTED TOWN OFFICIALS TRAINING SCHOOL



GENERAL INFORMATION

WHEN: January 13-14, 2027

WHERE: DoubleTree by Hilton Syracuse | 6301 State Route 298, East Syracuse,
NY 13057

WHO: All first- and second-term supervisors, town board members, fiscal personnel and town clerks are encouraged to attend.

WHAT'S INCLUDED: Registration begins at 7:30 a.m. on the first day of each session. A breakfast buffet is served between 7:30 and 8:30 a.m.

AUTHORITY TO ATTEND: Attendance at this training school is permitted by section 77-b of the General Municipal Law. Subdivision 3 of the section permits the town board to authorize attendance by "any of its members or any officer or employee ... or other person who has been elected pursuant to law to a public office of a municipality for which the term of office has not commenced ..." You are entitled to be reimbursed for all reasonable costs incurred while attending this program.

REGISTRATION INFORMATION: There is a school fee of \$275 per member and non-member, which is payable in advance of the program. This fee covers the cost of tuition, course materials, reception, breakfasts, lunches and coffee breaks. Please complete the registration form and return with payment to the address indicated on the next page. Registration will also be available on-site at a fee of \$375.

NEWLY ELECTED TOWN OFFICIAL TRAINING PACKAGE: All attendees of either NETO school can register for our 2027 Annual Meeting & Training School a special discounted rate of \$150.

HOTEL ACCOMMODATIONS: A limited number of rooms are available at the government rate of **\$122.00 per night** (net of all taxes) for attendees. Because the number of rooms available at this rate is limited, we strongly encourage attendees who qualify to book their room as soon as possible. Once the government-rate rooms have been booked, we will not be able to offer any additional rooms at this rate. Please note, the per diem rate will increase to **\$136.00 on October 1st**. Additional rooms are available through our regular NETO block at a rate of **\$159.00 per night** (net of all taxes).

DID YOU KNOW? As a town officer, you are not required to pay tax on the room. Tax-exempt certificates should be carried with you for check-in. We will have extras available.

FOR FURTHER INFORMATION: Please contact Emily Kurtzner, Conference, Events and Education Manager, Association of Towns, at (518) 465-7933 or via email at ekurtzner@nytowns.org.

Registration forms and checks made payable to Association of Towns can be mailed to: Association of Towns, Attn: Emily Kurtzner, Conference, Events and Education Manager 150 State St., Albany, NY 12207

FOR INTERNAL USE ONLY

CHK # _____

ORDER # _____

Association of Towns Educational Series
Registration Form

TRAINING & CERTIFICATION
FOR NEWLY ELECTED TOWN OFFICIALS

NAME _____

TITLE _____ PHONE _____

TOWN/COMPANY _____

ADDRESS _____

EMAIL ADDRESS _____

ONE REGISTRANT PER FORM

EVENT: 2027 NEWLY ELECTED TOWN OFFICIAL SCHOOL

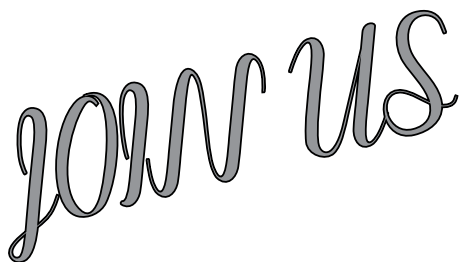
January 13 - 14, 2027 | Syracuse, NY

- Registration and breakfast begins at 7:30 a.m. at each location.
 - Classes run all day Wednesday, Thursday plus half-day Friday.
- All attendees are invited to Wednesday evening Welcome Reception at each location. Details to follow.
 - Registration includes all class materials, breakfast and lunch.
- All attendees must book their own hotel room reservation by calling the corresponding phone number or visiting:
 - [1. Book online at the government rate \(\\$122 \(\\$136 after October 1\)](#)
 - [2. Book your discounted stay at the non-government rate \(\\$159\)](#)

<i>Dates</i>	<i>Location</i>	<i>Address</i>	<i>Registration Fee</i>	<i>Room Rates</i> <i>(Book your own room)</i>
Jan. 13-14, 2027	Syracuse Double- Tree	6301 State Route 298, East Syracuse, NY 13057	\$275 member/ non-member	\$122 / \$136 / \$159

*For refunds, less a \$10 processing fee, notice of cancellation must be received 10 days prior to day of event - NO REFUNDS after that date.

For questions, please email Emily Kurtzner at ekurtzner@nytowns.org or call (518)465-7933.



*2027 Annual Meeting & Training
School March 13 – 16th, 2027
New York Marriott Marquis, NYC*

ONLINE REGISTRATION OPEN NOW AT WWW.NYTOWNS.ORG

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

Early-bird rates

Available through Nov. 30, 2026

Member municipality, conference | \$175
Non-member municipality, conference | \$250
Non-municipality, company, conference | \$400

Rates increase Dec. 1

(registrations submitted after Mar. 5 will be processed at on-site rates)

Member municipality, conference | \$215
Non-member municipality, conference | \$300
Non-municipality, company, conference | \$450

Attorney Continuing Legal Education (CLE)

(Credit hours and rates - 9.5 CLE Credits, with a total of 11.5 credits available across Sunday-Monday. All courses provide transitional and non-transitional credit.)

Fee includes meeting.

Member (early bird / regular / on-site) | \$450 / \$525 / \$600
Non-member (early bird / regular / on-site) | \$550 / \$625 / \$700
Non-municipality, company, conference (early bird / regular / on-site) | \$650 / \$725 / \$800

Lock in 2026 room rates by registering before Nov 30, 2026!

To reserve your room, visit https://book.passkey.com/event/51311685/owner/1322/home?utm_campaign=301272386

Rooms with an asterisk (*) next to them have limited availability. Group rate cut-off date is Friday, February 19, 2027.

2026-2027 room rates are as follows:

Marquis Standard King/Double | \$315 early bird / \$339 regular rate (book between 12/1/2026 and 2/19/2027)

Times Square View | \$429*

Deluxe Suite | \$629*

Premier One-Bedroom Suite | \$739*

What's New

*2027 Annual Meeting & Training
School March 13 – 16th, 2027
New York Marriott Marquis, NYC*

Add-on Experiences

This year, we are proud to be able to offer attendees some additional networking and entertainment opportunities to take your full conference experience to the next level.

Please note that due to these changes, all attendees registering online must register themselves. If you need assistance with your member log-in credentials, please e-mail or call our offices at info@nytowns.org or (518)465-7933.

1. March 16, 2027: Awards Reception and Luncheon at the New York Marriott Marquis. Purchase for meal ticket required - \$80 per person. Join the Association for a sit-down awards presentation and luncheon as we celebrate excellence within our community. This event is a wonderful opportunity to connect with fellow NYAOT members, recognize outstanding achievements, and enjoy a memorable meal together.

Meal ticket required: \$80 per person

- Pan Roasted Chicken (DF, GF)
- Roasted Beef Tenderloin (DF, GF)
- Winter Squash Risotto (GF,V)

2. Monday, March 15th and Tuesday, March 16th: Dine Around NY. Receive discounts and more at participating restaurants with your conference badge. No extra purchase required. Full list of participating restaurants and other details coming soon.

Saturday, March 13th: Early Bird Reception: Kick off the Annual Meeting by joining us for a complimentary reception before training begins on Sunday. It is a great opportunity to connect with fellow attendees, meet industry peers, and start networking! Conference registration includes admission to the reception. After checking in and picking up your badge, you will receive one complimentary drink ticket to enjoy during the event.

3. Tuesday, March 16th at 7 p.m. NYAOT lands on Broadway at Galileo. Limited seats available; ticket purchase required in addition to registration. Must register online to reserve a ticket. Seats available in rear mezzanine rows A, B and C. *Tickets will be available soon*
Galileo is the electrifying and emotional new Broadway musical about maverick scientist Galileo Galilei. When he makes astronomical discoveries that revolutionize humanity's understanding of the universe, he must defend his findings before the most powerful religious institution in the world.
Featuring a book by Danny Strong (*Chess*, *Dopesick*, *Empire*, *The Butler*) and an original score by Zoe Sarnak (*The Lonely Few*, *Empire Records*) and Michael Weiner (*13 Going on 30*, *First Date*), *Galileo* will be directed by Tony Award winner Michael Mayer (*Chess*, *Spring Awakening*, *American Idiot*, *Funny Girl*) and choreographed by Tony Award nominee David Neumann. Four-time Tony Award nominee Raul Esparza stars in the title role, alongside Jeremy Kushnier and Tony Award nominee Joy Woods.

BOOK your room by Nov. 30 to lock in 2026 room rates. Room rates increase on Dec. 1.

- To reserve your room, visit: https://book.passkey.com/event/51311685/owner/1322/home?utm_campaign=301272379
- **Vouchers are not an accepted form of payment.**
- Then, MAIL or FAX completed registration form with a check for the corresponding registration fee to:
Association of Towns, 150 State St., Albany, NY 12207 | Fax: (518)465-0724

**Association of Towns Educational Series
Registration Form**

FOR INTERNAL USE ONLY

CHK # _____

ORDER # _____



NYAOT
Celebrating America's 250th Birthday

TRAINING & CERTIFICATION FOR TOWN OFFICIALS

NAME _____

TITLE _____ PHONE _____

TOWN/COMPANY _____

ADDRESS _____

EMAIL ADDRESS _____

ONE REGISTRANT PER FORM

EVENT: 2027 ANNUAL MEETING & TRAINING SCHOOL
MARCH 13-16, 2027, NEW YORK MARRIOTT MARQUIS, 1535 Broadway, NYC, NY 10036

	Registration Type	Quantity (x)	Rate
Aug. 3 – Nov. 30	Early-bird member		\$175
	Early-bird non-member		\$250
	Early-bird non-municipality / company		\$400
	Early-bird CLE member		\$450
	Early-bird CLE Non-member		\$550
	Early-bird CLE Non-municipality / company		\$650
	Broadway Show Ticket - Orchestra		\$TBD
	Broadway Show Ticket - Mezzanine		\$TBD
Dec. 1 – Mar. 5.	Member		\$215
	Non-member		\$300
	Non-municipality / company		\$465
	CLE member		\$525
	CLE non-member		\$625
	CLE non-municipality / company		\$725
	Broadway Show Ticket - Orchestra		\$TBD
	Broadway Show Ticket - Mezzanine		\$TBD
Meal tickets must be purchased ahead of time	OPTIONAL Meal Ticket Pan Roasted Chicken (DF,GF)		\$80
	OPTIONAL Meal Ticket Roasted Beef Tenderloin (DF,GF)		\$80
	OPTIONAL Meal Ticket Winter Squash Risotto (GF,V)		\$80
TOTAL ENCLOSED			

New York Marriott Marquis Group Form

Name of Group: _____

Arrival Date: _____

Departure Date: _____

Please list the 3 "Gold Keys" (main service focus areas that will make your event a success):

Room Block:

Would you like the group rooms blocked together: Yes ☐ or No ☐

This is a request based on availability and not guaranteed

Would you like for the rooms to be Pre-Keyed: Yes ☐ or No ☐

Only available and recommended for groups arriving together via bus/shuttle/van. All guest keys will be released to the Tour Leader in 1 packet once all rooms are ready. Each guest will have their own envelope with their name & room number.

VIPs with group: _____

Please Note: Hotel Check In time is 4pm. Any Group Arrivals prior to 4PM are NOT guaranteed ready rooms. Special Room Requests are NOT guaranteed 4 PM check in. Hotel Check Out time is 11 AM.

Billing for Group:
(Please Select One)

Send Final Bill To:

Room, Tax & Incidentals
to Master

Room & Tax to Master
Incidentals on Own

Individual to Pay:

Phone Turned Off:

Yes ☐ or No ☐

****Guest Room Phone Disabled to Complete External Calls****

Rates Confidential:

Yes ☐ or No ☐

Breakfast Coupon Information:

(Revel & Rye Restaurant, 8th Floor, Breakfast Buffet served daily 6:30 AM - 11:30 AM)

Breakfast Coupons cost \$59.63 tax inclusive per coupon, per person, per day (unless contracted otherwise)

Number of Breakfast Coupons per day _____

Total # of Days _____

Total # of Breakfast Coupons _____

Preliminary numbers for breakfast coupons are to be provided to your Event Manager **10 Days** prior to the group check in. Final numbers for breakfast coupons are to be provided **72 hours** prior to the group check in. The final number can only be reduced 20% from the preliminary number. All breakfast coupons will be charged in advance prior to the group check in.

Bus Arrival / Departure Information:

Bus Arrival Date _____

Bus Arrival Time _____

Bus Departure Date _____

Bus Departure Time _____

Name of Bus/Van/Shuttle Company: _____

Number of Bus/Van/Shuttle? _____

Please call our Manager on Duty Cell # **347 885 6351** on your Arrival Date 15 minutes prior to arrival at the Hotel. This will ensure that our Bell Staff is prepared for the group's bus/shuttle/van arrival. Bus Pick Up & Drop Off location is on 45th Street by Starbucks. New York City does not offer overnight Bus Parking. Please plan accordingly with your bus company. **All luggage/bags need to be tagged with Guest Name Prior to Arrival at the Hotel.**

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

Onsite Contact: _____ Cell Phone: _____

Email Address: _____

Number of People: _____ Number of Rooms: _____ Estimated Number of Bags: _____

The Porterage charge is mandatory for all groups (10 or more persons) that have a Bus, Van and/or Shuttle arrival at currently \$12.78 per bag/round trip, regardless if Bellman assistance is needed. Price will increase on July 1, 2027.

Will you require guest assistance with luggage: Yes ☐ or No ☐
Date & Time _____

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

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

Please note that checkout is at 11 AM, and with a group bag pull/pick-up it will take 30 - 40 minutes for every 20 rooms to be assisted by the bellman. Please have bags tagged with Guest Name and set bags inside of the room by the door.

Onsite Agenda

Please fill out any times that your group may need to meet together for meals, tours, or general announcements during your stay. This is important so that we may prepare for any additional traffic flow on general public floors. Recommended locations are the outside walkway by Starbucks.

Saturday _____ Sunday _____

Monday _____ Tuesday _____

Wednesday _____ Thursday _____

Friday _____

Do you need space for your bus to pick up & drop off your attendees during your stay for activities around the city? Yes ☐ or No ☐

Thank you in advance!

**Request for Taxpayer
Identification Number and Certification**

Go to www.irs.gov/FormW9 for instructions and the latest information.

Give form to the
requester. Do not
send to the IRS.

Before you begin. For guidance related to the purpose of Form W-9, see *Purpose of Form*, below.

Print or type.
See Specific Instructions on page 3.

1 Name of entity/individual. An entry is required. (For a sole proprietor or disregarded entity, enter the owner's name on line 1, and enter the business/disregarded entity's name on line 2.) CCMH TIMES SQUARE LLC	
2 Business name/disregarded entity name, if different from above. NEW YORK MARRIOTT MARQUIS	
3a Check the appropriate box for federal tax classification of the entity/individual whose name is entered on line 1. Check only one of the following seven boxes. ☐ Individual/sole proprietor ☐ C corporation ☐ S corporation ☐ Partnership ☐ Trust/estate ☒ LLC. Enter the tax classification (C = C corporation, S = S corporation, P = Partnership) C Note: Check the "LLC" box above and, in the entry space, enter the appropriate code (C, S, or P) for the tax classification of the LLC, unless it is a disregarded entity. A disregarded entity should instead check the appropriate box for the tax classification of its owner. ☐ Other (see instructions)	4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3): Exempt payee code (if any) _____ Exemption from Foreign Account Tax Compliance Act (FATCA) reporting code (if any) _____ (Applies to accounts maintained outside the United States.)
3b If on line 3a you checked "Partnership" or "Trust/estate," or checked "LLC" and entered "P" as its tax classification, and you are providing this form to a partnership, trust, or estate in which you have an ownership interest, check this box if you have any foreign partners, owners, or beneficiaries. See instructions ☐	
5 Address (number, street, and apt. or suite no.). See instructions. 1535 BROADWAY	Requester's name and address (optional)
6 City, state, and ZIP code NEW YORK, NY 10036	
7 List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

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

Note: If the account is in more than one name, see the instructions for line 1. See also *What Name and Number To Give the Requester* for guidelines on whose number to enter.

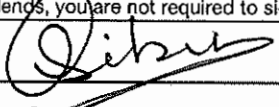
Social security number									
			-						
or									
Employer identification number									
2	6	-	3	0	4	8	3	3	8

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and, generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here	Signature of U.S. person 
------------------	---

Date **02/19/2026**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

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

What's New

Line 3a has been modified to clarify how a disregarded entity completes this line. An LLC that is a disregarded entity should check the appropriate box for the tax classification of its owner. Otherwise, it should check the "LLC" box and enter its appropriate tax classification.

New line 3b has been added to this form. A flow-through entity is required to complete this line to indicate that it has direct or indirect foreign partners, owners, or beneficiaries when it provides the Form W-9 to another flow-through entity in which it has an ownership interest. This change is intended to provide a flow-through entity with information regarding the status of its indirect foreign partners, owners, or beneficiaries, so that it can satisfy any applicable reporting requirements. For example, a partnership that has any indirect foreign partners may be required to complete Schedules K-2 and K-3. See the Partnership Instructions for Schedules K-2 and K-3 (Form 1065).

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS is giving you this form because they



Exemption Certificate for Occupancy By Government Employees

This form may only be used by government employees of the United States, New York State, or political subdivisions of New York State.

Name of hotel, short-term rental unit operator, or booking service		Dates of occupancy	
		From:	To:
Address (number and street)	City	State	ZIP code
		Country	

Certification: I certify that I am an employee of the department, agency, or instrumentality of New York State, the United States government, or the political subdivision of New York State indicated below; that the charges for the occupancy of the above business on the dates listed have been or will be paid for by that governmental entity; and that these charges are incurred in the performance of my official duties as an employee of that governmental entity. I certify that the above statements are true, complete, and correct, and that no material information has been omitted. I make these statements and issue this exemption certificate with the knowledge that this document provides evidence that state and local sales or use taxes do not apply to a transaction or transactions for which I tendered this document, and that willfully issuing this document with the intent to evade any such tax may constitute a felony or other crime under New York State Law, punishable by a substantial fine and a possible jail sentence. I understand that the vendor is a trustee for, and on account of, New York State and any locality with respect to any state or local sales or use tax the vendor is required to collect from me; that the vendor is required to collect such taxes from me unless I properly furnish this certificate to the vendor; and that the vendor must retain this certificate and make it available to the Tax Department upon request. I also understand that the Tax Department is authorized to investigate the validity of tax exemptions claimed and the accuracy of any information entered on this document.

Governmental entity (federal, state, or local)		Agency, department, or division	
Employee name (print)	Employee title	Employee signature	Date prepared

Instructions

Who may use this certificate

If you are an employee of an entity of New York State or the United States government and you are on official New York State or federal government business and renting a room or rooms in a hotel or short-term rental unit, you may use this form to certify the exemption from paying state-administered New York State and local sales taxes (including the \$1.50 unit fee in New York City).

New York State governmental entities include any of its agencies, instrumentalities, public corporations, or political subdivisions.

Agencies and instrumentalities include any authority, commission, or independent board created by an act of the New York State Legislature for a public purpose. Examples include:

- New York State Department of Taxation and Finance
- New York State Department of Education

Public corporations include municipal, district, or public benefit corporations chartered by the New York State Legislature for a public purpose or in accordance with an agreement or compact with another state. Examples include:

- Empire State Development Corporation
- New York State Canal Corporation
- Industrial Development Agencies and Authorities

Political subdivisions include counties, cities, towns, villages, and school districts.

The United States of America and its agencies and instrumentalities are also exempt from paying New York State sales tax. Examples include:

- United States Department of State
- Internal Revenue Service

Other states of the United States and their agencies and political subdivisions **do not** qualify for sales tax exemption. Examples include:

- the city of Boston
- the state of Vermont

To the government representative or employee renting the room or rooms in a hotel or short-term rental unit

Complete all information requested on the form. Provide the completed Form ST-129 to the hotel operator, short-term rental unit operator, or booking service upon booking or check in. You must also provide the

operator or booking service with proper identification. Sign and date the exemption certificate. You may pay your bill with cash, a personal check or credit/debit card, or a government-issued voucher or credit card.

Note: If you stay at more than one location while on official business, you must complete an exemption certificate for each location. If you are in a group traveling on official business, each person must complete a separate exemption certificate and give it to the hotel operator, short-term rental unit operator, or booking service.

To the hotel operator, short-term rental unit operator, or booking service

Keep the completed Form ST-129 as evidence of exempt occupancy by New York State and federal government employees who are on official business and staying at your place of business. The certificate should be presented to you when the occupant checks in or upon booking.

The certificate must be presented no later than 90 days after the last day of the first period of occupancy. If you accept this certificate after 90 days, you have the burden of proving the occupancy was exempt. You must keep this certificate for at least three years after the later of:

- the due date of the last sales tax return to which this exemption certificate applies; or
- the date when you filed the return.

This exemption certificate is valid if the government employee is paying with one of the following:

- cash
- personal check or credit/debit card
- government-issued voucher or credit card

Do not accept this certificate unless the employee presenting it shows appropriate and satisfactory identification.

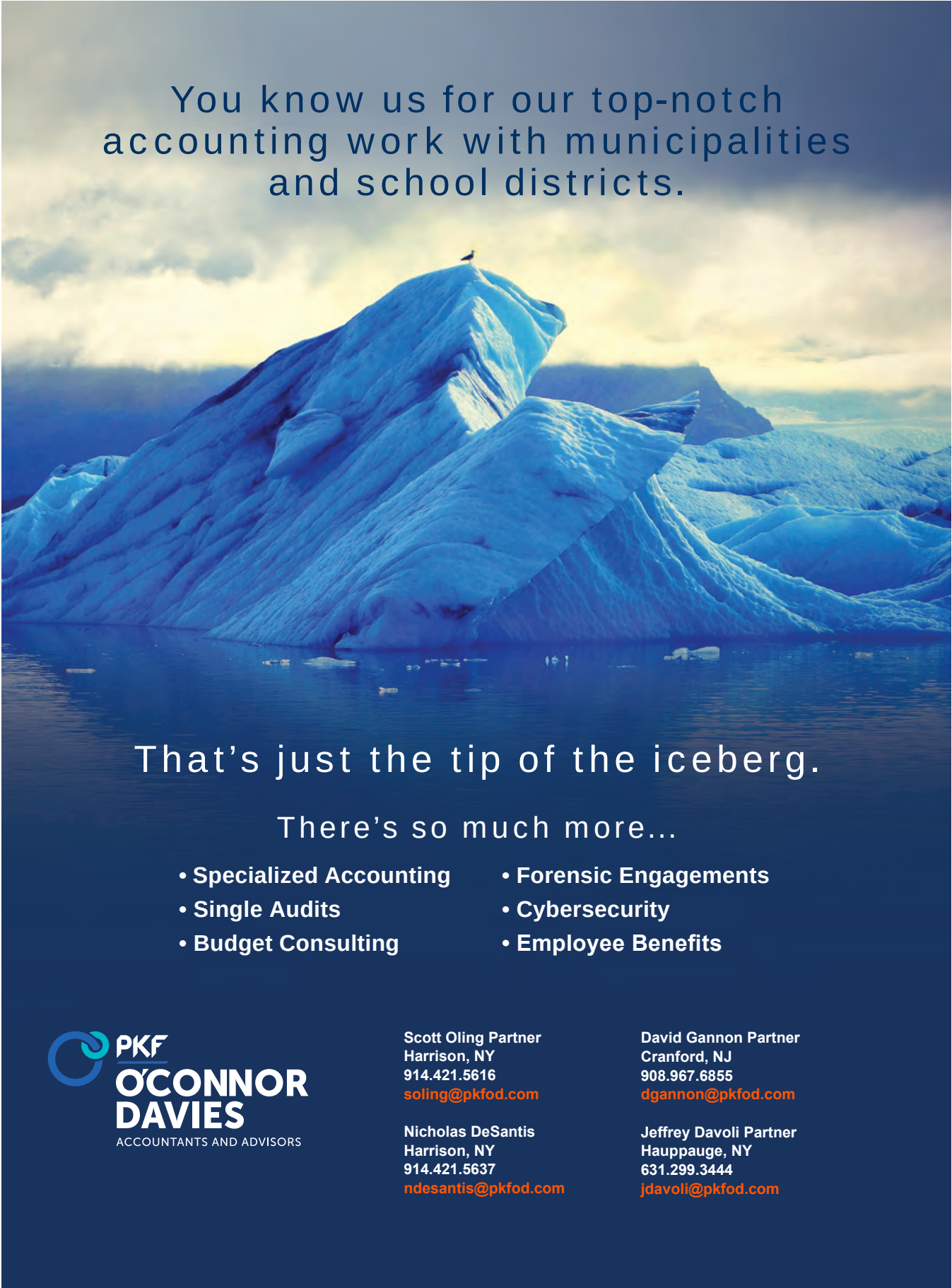
Note: New York State and the United States government are not subject to locally imposed and administered hotel occupancy taxes, also known as *local bed taxes*.

Misuse of this certificate

Misuse of this exemption certificate may subject you to serious civil and criminal sanctions in addition to the payment of any tax and interest due. These include:

- a penalty equal to 100% of the tax due;
- a \$50 penalty for each fraudulent exemption certificate issued; and
- criminal felony prosecution, punishable by a substantial fine and a possible jail sentence.

Substantial penalties will result from misuse of this certificate.



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The Fed and Rates in 2026

What is the Fed, what is it doing, and why does it matter to my town?

By Marty Hammond, Managing Director,
PFM Asset Management, a division of U.S.
Bancorp Asset Management, Inc.

Over the past few years, amidst steady reporting about — and tracking of — inflation and its effects, you’ve no doubt seen references to “leadership change” and “anticipated action by The Federal Reserve.” These questions are centered around whether The Federal Reserve (the Fed) is inclined to take steps to adjust short-term interest rates to address concerns about an uncertain economy, and who might be leading the Fed when those actions take place.

But even with frequent mentions of the Fed and the attention surrounding its activities, many people still only have a vague idea of what the Fed is and why its actions are so important to local governments.

By understanding the Fed’s role in our economy, town officials can better decipher those news stories — and understand how the Fed influences rates on the numerous instruments available to New York’s town investors and interest income on short-term investments.

Origins of The Fed

The Federal Reserve was created in 1913 by an act of Congress as an institution that could help prevent the periods of financial panic that regularly rattled the United States economy and led to widespread unemployment, bank failures, and volatile prices throughout the 19th and early 20th centuries.

Originally created to address the sharp ups-and-downs of the market cycle, the Fed has added other responsibilities over the years. Today, the Fed’s main responsibilities include:

- Affecting monetary policy with a goal of full employment and stable prices
- Regulating banks and other financial institutions in an attempt to ensure their safety and soundness and seeking to protect the credit rights of consumers
- Maintaining the stability of the financial system and containing systemic risk
- Providing certain financial services to the U.S.

government, U.S. financial institutions and foreign official institutions

- Playing a role in operating and overseeing the nation’s payment systems

The “Federal” in Federal Reserve refers to the system’s structure. On the national level, the Fed has a central Board of Governors in Washington, D.C., overseen by a chairman. There also are 12 regional Federal Reserve Banks in major cities, including Atlanta, Chicago, Philadelphia, and San Francisco. The regional banks monitor economic activity in their districts and provide key input for the central bank’s policies.

A Measure of Independence

History has shown that the Fed typically can only respond to business cycles — without controlling them — while keeping an eye on the long term. The Fed was designed to resist pressure from politicians to take action only for short-term gain.

U.S. Presidents appoint the seven members of the Board of Governors, subject to Senate approval. But to assure independence, governors’ terms are staggered such that no president can appoint a majority of the board until late in their second term.

Congress exercises oversight of the Fed and frequently calls officials to testify on economic conditions. Otherwise, the Fed functions fairly free of external pressure.

Indeed, the Fed is considered independent within the government. Its revenue comes from banks and other financial institutions that are members and use its services, not from Congressional appropriations.

Although the Fed is structured to insulate decisions from politics, no insulation is perfect. Most recently, the Fed has experienced a historic level of political pressure to make decisions based on presidential will rather than data analysis and governor deliberation.

Throughout its history, the Fed’s best-known tool for conducting one of its primary duties — affecting monetary policy — is its power to influence interest rates. However, the power is indirect and far from immediate in its operation.

Influencing Rates and the Economy

The Fed influences interest rates by periodically setting a target for a specific rate known as the federal funds rate. This is the rate that banks charge each other for overnight loans between their accounts at the Federal Reserve.

The rate is set by the Federal Open Markets Committee (FOMC), a 12-member panel that includes the Fed governors and a portion of the regional Fed presidents, who serve on a rotating basis.

Changes in the federal funds rate ripple through the economy, affecting all other rates and, ultimately, the economy as a whole. Many banks peg their lending rates for credit cards and auto loans to changes in the target rate, and longer-term loans like mortgage rates can be indirectly affected by changes in the target rate. Bank



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interest rates for accounts and for certificates of deposit (CDs) are also mainly correlated to the target rate.

Traders in the bond market set prices for actively traded short-term fixed income securities such as US Treasury bills and short-term federal agency obligations based on a variety of factors including the target federal funds rate. Since those short-term investments comprise the majority of permitted investments for towns in New York and for local government investment pools (LGIPs) like the Empire Public Investment Cooperative Fund of New York (EPIC) net yields offered to investors in those pools are also closely tied to the target rate.

How does the Fed try to reach its target?

Through the use of three tools:

- Open market operations are the buying and selling of U.S. Treasury and federal agency securities. When the Fed buys securities from banks, it adds cash to their reserves, easing credit and leading to lower interest rates. When the Fed sells securities, the opposite occurs.
- Discount window lending is lending to banks directly from the Fed at rates set by the board of governors. The Fed can create demand for borrowing from the discount window – and charge higher rates – by raising banks' reserve requirements, the Fed's third tool.
- Reserve requirements dictate the level of cash that banks and other depository institutions must hold in reserve as a percentage of the deposits held by their customers. The Fed can set the requirement to affect demand for cash depending on how it would like to influence interest rates. When banks need cash to meet reserve requirements, rates go up. When banks don't need cash, rates fall.

By using these three interrelated tools as levers, the Fed winds up exerting influence over the rates of return on many instruments available to municipal investors under New York statute.

A New Chair, Some New Practices, and the Fed Today

On May 22, Kevin Warsh was sworn in as the Federal Reserve's newest chairman, and on June 17, he presided over his first meeting of the FOMC. Following the meeting, he released a statement relaying that the Committee had voted unanimously to maintain the target range for the federal funds rate at 3½ to 3¾ percent, in support of the Federal Reserve's dual mandate, while reaffirming its policy of maintaining ample reserves in the banking system¹.

The tracking of individual governors' projections – or "dot plot" – was significantly revised upward, with the median year-end rate projection rising to 3.8% from 3.4% in March – signaling the committee now views at least

one rate hike as necessary in 2026, and pushing any expected rate cuts into 2027 and 2028².

Other statements from that meeting expressed FOMC's views on current economic conditions, including growth and inflation. Per the post-meeting statement:

Chair Warsh noted that economic activity is expanding at a solid pace despite elevated uncertainty tied in part to the conflict in the Middle East, that productivity growth and capital investment are strong, and that job gains have kept pace with the workforce. On prices, the statement declared that inflation remains elevated relative to the FOMC's two-percent goal, in part reflecting supply shocks that have driven price increases in certain sectors, including energy³.

Warsh also announced the development of task forces in five areas central to the broad conduct of monetary policy, each charged with starting "from first principles, asking hard questions, examining current practice, considering alternatives, and ultimately proposing next steps for policymaker consideration." The task forces will review 1) the Fed's monetary policy operations, 2) communications, 3) data sources, 4) productivity and the labor market, and 5) the causes of inflation.⁴

For more details on how the Federal Reserve works, check out the Fed's web site at www.federalreserve.gov. For information about interest rates and your EPIC investments, contact your EPIC representative. □

Marty Hammond, Jr. is a Managing Director who oversees the Northeast practice. He develops, implements, and reports on customized investment strategies for clients. Marty conducts investment performance analyses, investment policy development, cash flow modeling, and portfolio optimization.

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2 2026, June 17. 'Fed holds rates steady, pares down statement.' CNBC.

3 2026, June 17. CNBC.

4 2026, June 21. "Fed Holds Rates and Leans Toward Fighting Inflation With Future Increases. New York Times."

¹ 2026, June 17. Federal Reserve FOMC Statement Regarding Monetary Policy Implementations [release] <https://www.federalreserve.gov/newsevents/pressreleases/monetary20260617a.htm>

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NYAOT Members Call for a Modern Solution to an Outdated Mandate

By Paul Nelson,
Media Relations & Public Affairs Manager, New York Association of Towns

PLATTSBURGH — Champlain Supervisor Thomas Trombley recounted an apparent snafu a few years ago with a public hearing notice that never made it into the local newspaper and delayed a proposal to create a new sewer district by a month.

“We had to start over, we had to republish, we set a new public hearing, and I don’t remember the criteria why it was 30 days, but I know we did not have the public hearing until a month later,” he said during the recent Clinton County Supervisors Roundtable hosted by the New York Association of Towns (NYAOT).

The effort to bring public notice requirements in line with the times and technology of today dominated the discussion.

Assemblywoman Mary Jan Shimsky has sponsored the ‘Local Government Modernization and Transparency Act’ measure that would allow municipalities to post legal notices on their official web site instead of publishing them in newspapers.

The initiative is among NYAOT’s list of priorities for 2026.

There was a strong consensus among

supervisors and town leaders, who took part in the May 20 roundtable discussion with NYAOT Executive Director Chris Koetzle, that the current requirement is an added expense for many financially struggling towns, at a time when print journalism is becoming obsolete.

“Not everybody reads the paper, but everybody

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The three statewide municipal associations are requesting their members participate in our joint Municipal Public Notice Requirements Survey, open now through October 6.



stays informed on social media and also the web site,” Trombley said, adding that the circulation of the local daily newspaper only reaches a small segment of the North Country. “The use of some sort of online service such as our web site, as long as we have a .gov web site, that makes complete sense to post there.”

Plattsburgh Town Supervisor Charles “Chuck” Kostyk said his town, like most others in the Empire State, already post public notices online, for the sake of transparency. He said making the switch from the newspaper to the municipal web site would be seamless.

Kostyk also pointed out that that towns sometimes must submit public meeting and legal notices as early as two weeks beforehand to ensure that they meet what are becoming earlier and earlier print deadlines.

“It is very difficult for us to manage anytime that we have to have a public hearing, or post anything that requires a public notice, time is of an essence,” he said.

Dannemora Supervisor Joey Varian said that it’s about towns fully being in control of their

expenses. “To put it on my web site, there’s no price point,” he added.

In New York, there is no single flat fee for publishing public notices, as costs vary by county and newspaper, according to information online from LLC publishers.

That web site indicates that for towns and municipalities, rates range from \$10 to over \$40 per column inch, bringing the typical cost of a standard legal notice (such as a public hearing or bid notice) to between \$50 and \$300 per ad.

Trombley, the Champlain supervisor, said that the average cost over the past three years for public notices for the town, is about \$2,200 annually.

Saranac Town Supervisor Timothy Napper said the rule is yet another state mandate “that’s just killing us,” and not doing much to help the bottom line of newspapers.

“We’re not going to save these newspapers by the amount of money we’re giving them,” he said. “This public notice should be an easy fix to reduce the regulation and make it even better for small towns in the state.” □



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Considerations for Selling Municipal Property for Development

By Ed Flynn, AICP | Director of Planning, LaBella Associates

Municipalities frequently own “excess” properties — land, buildings, or facilities that are no longer essential to local government operations. While these parcels may initially appear to be liabilities, they often hold significant potential to support economic development, foster neighborhood revitalization, and advance long-term community goals.

This article discusses types of excess municipal property, outlines key considerations for municipalities evaluating the disposition of underutilized property, and explores strategies for maximizing public benefit. While specific disposition procedures vary by municipality, the considerations and strategies outlined here reflect commonly used best practices that municipalities can apply in their communities.

Types of Excess Municipal Property

Excess municipal property typically falls into one or more of the following categories:

- **Obsolete Municipal Facilities:** Buildings such as outdated City, Village, or Town Halls that require substantial capital improvements or no longer meet operational needs.
- **Foreclosed Properties:** Land or structures acquired by municipalities or counties through tax foreclosure proceedings.
- **Gifted or Transferred Properties:** Sites transferred from private owners or nonprofit entities that may not have an immediate municipal use.
- **Environmentally Contaminated Sites:** Parcels with known or suspected environmental conditions requiring review, analysis, and potential remediation.

Once municipalities identify excess properties, the next step is determining how to dispose of them effectively.

The Limits of the Traditional Auction Approach

public auctions to sell surplus properties. Auctions are familiar, procedurally straightforward, and sometimes mandated by local law. However, auctions can present notable disadvantages—particularly for properties with strategic economic or community development value.

Once sold at auction, municipalities relinquish control over future use of the property. Buyers may hold a site for speculative purposes, allow it to deteriorate, or pursue development that conflicts with community plans. Critical downtown parcels, waterfront areas, or catalyst sites can suffer long-term negative impacts if acquired by owners whose interests do not align with local priorities.

Because of these risks, municipalities should carefully evaluate whether an auction is appropriate—particularly for properties with community-wide significance.

A Proactive Alternative: The Request for Proposals Process

Given the limitations of auctions, many municipalities turn to the Request for Proposals (RFP) process. Unlike auctions, a well-structured RFP enables municipalities to guide redevelopment outcomes while remaining transparent and competitive.

Benefits of an RFP-based disposition include:

- **Evaluating Developer Capacity:** Municipalities can assess a developer’s financial strength, experience, and track record.
- **Controlling Land Use Outcomes:** Municipalities can specify permitted uses consistent with local plans, such as downtown revitalization strategies or waterfront redevelopment visions.
- **Influencing Design Quality:** Municipalities can establish design expectations to ensure compatibility with surrounding buildings and public spaces.
- **Setting Performance Expectations:** Communities can require commitments related to job creation, tax generation, sustainability, public amenities, and other goals.
- **Including Safeguards:** Developer agreements can include clawback provisions that require project milestones, with consequences—including reversion of ownership—if obligations are not met.

Laying the Groundwork for an RFP

To ensure the RFP process achieves the desired community outcomes, municipalities should complete

a series of preparatory actions before formally soliciting proposals.

Before developing and circulating an RFP, municipalities should collaborate closely with a municipal attorney or outside counsel to amend or develop local ordinances that enable the disposition process. In larger communities, planning and economic development staff should also be involved to ensure the approach aligns with community goals and development strategies.

With this foundation in place, municipalities can then undertake additional preparatory work to attract capable developers and reduce project uncertainty.

- **Develop Community-Vetted Reuse Scenarios:** Work with planning and design professionals to prepare conceptual alternatives for redevelopment. State-level funding sources for brownfield redevelopment, building renovations, and comprehensive plans may support this work.
- **Conduct Environmental Due Diligence:** Phase I and Phase II Environmental Site Assessments provide critical insight into potential environmental conditions and support informed decision-making. Developers typically expect this information, and completing due diligence in advance can help reduce barriers to investment.
- **Gauge Developer Interest:** Engage local and regional developers early to understand market feasibility, concerns, and potential challenges before issuing an RFP.

this process, they should continue to consider any legal or procedural constraints that may affect disposition (see the Legal and Procedural Considerations section for additional details).

With these steps complete, municipalities are positioned to launch an RFP that is efficient, transparent, and aligned with community goals.

Developing and Circulating an RFP

- An effective RFP clearly communicates expectations and evaluation criteria. At a minimum, an RFP should outline:
- Site and building background
- Community goals and policy context
- Environmental findings and constraints

- Potential funding sources and incentives
- Submission requirements (e.g., conceptual plans, renderings, financial disclosures)
- Developer selection criteria

The RFP should be widely distributed to developers, real estate professionals, attorneys, and local property owners. Press releases and targeted outreach can increase visibility and attract higher quality proposals.

Once a preferred developer is selected, municipalities should enter into a Preferred Developer Agreement for complex development proposals to establish an exclusive negotiation period during which final sale



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Selling property for a nominal amount (such as \$1) is generally discouraged. Such sales can generate community opposition, set undesirable precedents, and imply that the site or surrounding area lacks value.

terms—including price, milestones, and clawback provisions—are finalized.

Note: Selling property for a nominal amount (such as \$1) is generally discouraged. Such sales can generate community opposition, set undesirable precedents, and imply that the site or surrounding area lacks value.

Legal and Procedural Considerations

Legal and procedural requirements often influence multiple stages of property reuse and redevelopment. Municipalities should identify restrictions or legal requirements early in the disposition process to ensure compliance and avoid conflicts later.

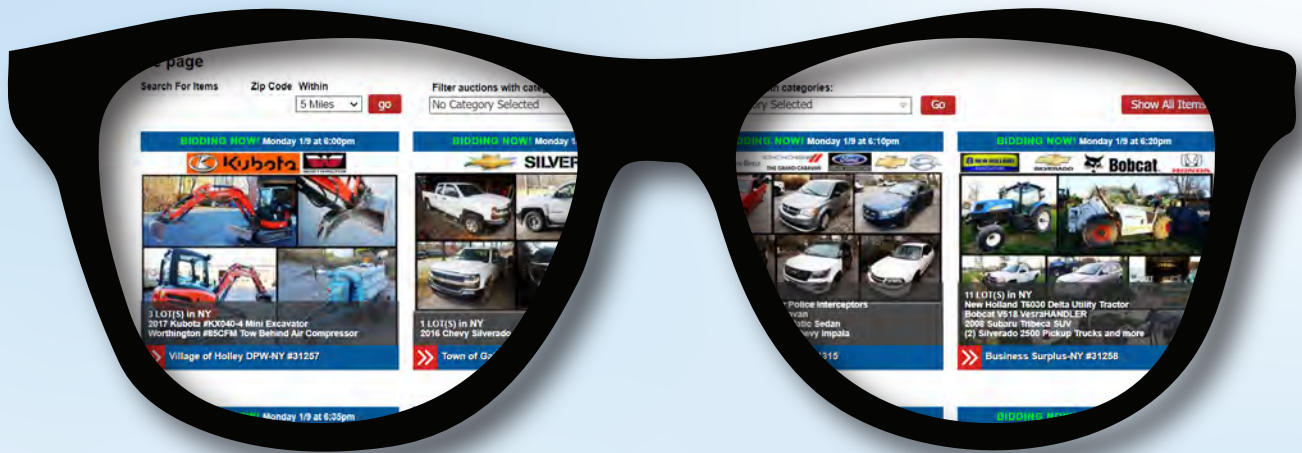
Examples include:

- **Deed Restrictions:** Limitations that govern permissible uses or users.
- **Foreclosure Sale Requirements:** Rules vary by state. In New York State, for instance, sale prices for foreclosed properties may be required to meet or exceed back taxes owed, and recent legislation provides owners additional time and options to reclaim properties.

If statutory or procedural barriers prevent municipalities from using an RFP process, they may consider transferring the property to a local development corporation or other organizations that support economic development activities, or to a land bank, which can offer greater flexibility in managing redevelopment-driven dispositions.



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Turning Municipal Property Into Community Value

Effectively disposing of municipal property presents both challenges and opportunities. While the process may be time-consuming, a strategic and proactive approach—particularly one driven by an RFP—can ensure that key properties become catalysts for long-term community revitalization. With patience, planning, and strong partnerships, municipalities can transform excess property into assets that benefit residents for generations. □

Following foreclosure, the City of Batavia, New York, used an RFP to guide redevelopment of the historic Carr's Warehouse. The RFP process allowed the city to retain control over land use and design outcomes, advance its downtown revitalization goals, and attract private investment. The building now features ground-floor commercial space and four market-rate apartments, turning underutilized municipal property into lasting community value.



Upcoming Webinar

EPA Brownfield Grants: Unlocking Funding & Removing Development Barriers to Advance Development

October 6, 2026 | 12 p.m. - 1 p.m.

Join Norabelle Greenberger, Eastern NY Planning Lead, Brownfields Market Leader, LaBella Associates, for a one-hour webinar that will provide an overview of EPA Brownfield Grant opportunities in preparation for the FY27 funding cycle. Participants will learn about the different grant types—including Assessment, Cleanup, Multipurpose, and Revolving Loan Fund Grants—and how to determine which opportunity best aligns with their community's needs. The session will also explore eligible activities, applicant and site eligibility considerations, property ownership requirements, and the steps communities can take now to become more competitive.

Register online at www.nytowns.org.



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New York Municipal Empowerment Foundation (NYMEF) Awards Scholarships to Municipal Highway Workers Pursuing Commercial Driver's Licenses

Two municipal employees from the **Town of Kent** in Putnam County have been awarded a total of nearly \$9,000 in scholarship funds from the New York Municipal Empowerment Foundation (NYMEF) to help defray the costs of commercial driving school.

Congratulations to **Tyler McMath** of Wingdale in Dutchess County and **Albert Fahs** of Carmel in Putnam County for being awarded scholarships to go toward their tuition at the Dutchess Driving School, Inc. in Hopewell Junction.

"We are thrilled to present these scholarships to these two deserving students, Albert and Tyler, both of whom are diligently working toward their goal of acquiring their commercial driver's licenses to further their professional careers," NYMEF Chairman and NYAOT Executive Director Chris Koetzle said. "This financial investment is part of a concerted effort by the New York Association of Towns (NYAOT) to boost workforce development in local governments across New York state."

NYMEF is a NYAOT-sponsored program.

The scholarships, which the NYMEF Board of Trustees approved in June, will cover 75 percent of the tuition cost for the two winners.

NYMEF is dedicated to fostering growth and progress in New York through community support, education, advancement, and engagement. The scholarship program supports individuals pursuing careers in local government by providing financial help for education

and training.

To find out more about NYMEF or how to apply for scholarships, please visit www.nytowns.org or email us at info@nytowns.org. □

A Token of our Appreciation & Gratitude

Our immediate **Past President Michael Marinaccio** was honored with a special presentation at our recent Executive Committee summer meeting. Becoming president of our governing board entails additional work hours, traveling and a commitment beyond service to their community. First elected to the Town of Dickinson Supervisor in 1990, Marinaccio joined the Association of Towns in 2015 as a member at-large of the Executive Committee, the governing board of the Association that oversees its strategic direction, handles organizational policy, and works on establishing legislative priorities and advocacy platforms at state and federal levels.

Thank you Michael Marinaccio for your tireless dedication and service in local government! □



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New York Association of Towns (NYAOT) Named to List of Top Trade Associations in New York by *City & State*

ALBANY – The New York Association of Towns (NYAOT) has been recognized as one of the top trade groups in the state by *City & State*, a prominent political news organization.

The honor is presented to influential trade organizations in New York state who best represent the interests of their members through advocacy,



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industry standards, networking, education, and economic development.

NYAOT is the leading statewide advocacy group and information source for town officials across New York's 933 towns. The nonpartisan organization, based in downtown Albany, provides training, education, technical assistance, and programs like municipal insurance that strengthen town governments and aims to reduce the costs of delivering essential services to nearly half the state's population.

The nomination highlighted the organization's heightened focus this past year on bringing visibility to the issues affecting all 933 towns in New York and the expansion of its slate of member programs and services like the Grant Assistance Program, which is designed to make small-population and rural communities more competitive for state grants.

NYAOT Executive Director Christopher A. Koetzle accepted the award in Manhattan on Tuesday, August 11 during a brief ceremony for the honorees.

Koetzle, who has led NYAOT since 2024, said he was humbled by the tribute.

"This award is a testament to the tireless efforts of all our talented employees and the personal and professional bonds we've worked hard to establish with local leaders and the residents in towns across the state," he said. "While NYAOT appreciates this recognition, we will not rest on this or any other laurel, but will instead intensify our efforts to boost the services we offer to members and get more of them actively engaged in the process."

NYAOT was nominated by Brown & Weinraub, a venerable government relations and strategic consulting firm with offices in Albany and New York city.

"We nominated NYAOT for this award because we've had the pleasure over the years of working closely with Chris and his staff on a variety of issues and have witnessed firsthand their passion and commitment for the work they do on behalf of towns, particularly to address affordability issues that directly affect people in towns from one end of the state to the other," said Alex Betke, a partner with firm. "The organization has earned and is truly deserving of this honor."

NYAOT is a strong voice calling for dedicated funding for clean water and sewer infrastructure rather than forcing municipalities to rely exclusively on competitive grants. It is also committed to modernizing local government, advocating for legislation that lets municipalities publish public notices on government websites instead of in print newspapers, improves the SEQRA process, and allows towns to set aside money to fund retiree benefits. □

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Master Developer Agreements: A Pathway to Growth and Prosperity

By Joel Richardson, P.E. | Deputy Real Estate Market Director and Civil Engineering Department Manager and Lisa Rickmers, AICP | Director of Planning, H2M architects + engineers

Villages, towns, and cities throughout New York State are continuously seeking ways to attract new residents and businesses and improve their communities, often developing visioning and planning documents to advance their goals. However, municipalities rarely control the implementation of their vision, and a seemingly insurmountable gulf can exist between a planning document and a real-world project.

In order to activate their planning goals, municipalities may try to spur economic growth with tax breaks, zoning variances, and other incentives. However, adopting these seemingly development-friendly tools does not necessarily guarantee that developers will flock to an area and build as desired. Master developer agreements (MDAs) offer municipalities an opportunity to actively facilitate their vision, providing more certainty in the outcome of development efforts.

What is a Master Developer Agreement?

Master developer agreements (MDAs) are comprehensive legal agreements between government entities and real estate developers that serve as the framework for long-term development projects such as residential neighborhoods, mixed-use communities, and large-scale commercial developments.

MDAs can help municipalities avoid uncertainty by partnering with an experienced professional tasked

with overseeing development in accordance with the community's wants and needs. This master developer effectively serves as a project manager working on behalf of the municipality, responsible for engaging consultants and contractors, coordinating work schedules, and ultimately taking responsibility for the completed product.

Advantages of MDAs

MDAs increase the overall likelihood of project success by establishing terms, guidelines, and expectations between the municipality and master developer. MDAs can have a significant impact on administrative efficiency, project timelines, project costs, and environmental considerations.

By implementing contractual obligations at the beginning of a project, MDAs have the potential to reduce project implementation timelines. Creating shared expectation on the phases and specific forms of development help developers navigate permitting and approval processes.

Specific terms and conditions can be worked into the MDA, including environmental and zoning requirements for specific areas in need of revitalization. This gives municipalities the ability to further target these areas for redevelopment without implementing community-wide code changes.

On the developer's end, MDAs make development projects more attractive to lenders, investors, and other financiers due to the clearer return on investment. If a financier knows that a project is supported by the governing municipality and will directly appeal to the needs of the community, the return on investment becomes clearer and more achievable. Blight studies can be performed and, if properties are designated as blighted, municipalities can utilize eminent domain to acquire the properties on behalf of the developers. The properties can then be sold to the developers to allow redevelopment to move forward more quickly. Blight studies and eminent domain are a powerful tool that can help consolidate the necessary properties for the development or redevelopment.

Case Study: Station Yards

The Town of Brookhaven in Suffolk County, NY, used a master developer agreement to help spearhead Station Yards, a \$1.2-billion project that transforms 53 acres underutilized, infrastructure-constrained land surrounding the Ronkonkoma Long Island Rail Road (LIRR) Station into a vibrant, walkable downtown that demonstrates the economic potential of transit-oriented development on Long Island.

The Town of Brookhaven initially performed an environmental review and blight study of the area surrounding the Ronkonkoma LIRR Station. The Town



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then engaged developer TRITEC Real Estate Company to serve as master developer for the project, with an MDA allowing the Town to utilize eminent domain in mitigating the blighted properties.

Station Yards is currently under construction of what has been, and will continue to be, a massive undertaking for both the Town and TRITEC. A project of this scope and magnitude, which the Brookhaven Town Industry Development Agency predicts could generate \$330 million in economic impact, greatly benefits from being managed by a single master developer in concert with the Town rather than through

an array of builders, consultants, and contractors with little connection to one another. For projects like these, MDAs are a vital step.

Additional MDA Considerations

Although MDAs can help shorten project timelines, an effective MDA requires considerable thought and planning in advance of the project. Long-term project continuity is one of the major benefits of an MDA, but that same continuity can also make certain projects inflexible if changes need to be made down the line. Therefore, it is vital that all stakeholders engage in proper due diligence and obtain a thorough understanding of each party's financial, legal, and environmental risks and responsibilities.

MDAs should be precise, with clear project milestones and deliverables to ensure that all parties are aligned on expectations in advance of project work. It is highly recommended that municipalities develop and maintain a Comprehensive Master Plan (CMP) if they have not done so already. CMPs assess a municipality's existing conditions, such as zoning and open space preservation, and present a vision for long-term growth and development and along with a guided path to achieving them.

CMPs tend to be high-level overviews of municipal goals and needs, but they provide necessary context to assist master developers in creating more granular, specific development plans for the area. Other types of municipal plans that can be integrated into an MDA include commercial area plans, local visioning studies, or any number of local planning efforts that clearly enumerate goals for the area of focus.

For municipalities without any comprehensive community planning documents to rely on, the MDA process can include the creation of a community vision groundwork that provides greater clarity and focus for the developer in pursuing their master redevelopment plan. The shared vision of the municipality and master developer is much stronger when the master developer has a more concrete idea of the community's goals. A multidisciplinary firm with certified planners can help map out a municipality's goals, identify areas ripe for redevelopment, and support the creation of a thorough MDA that will breathe new life and vibrancy into the community. □



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