TOWN OF LAKE PLEASANT

RESOLUTION #140 TOWN OF LAKE PLEASANT TOWN BOARDS APPROVAL OF SUPPORTING EMPIRE STATE DEVELOPMENT'S (ESD) DESIGNATION OF A CELLULAR-SPECIFIC POINT PERSON TO LEAD THE STATE'S EFFORTS ON ENHANCING CELLULAR COVERAGE, AND FURTHER ENCOURAGING THE STATE TO IMPLEMENT A UNIFIED STRATEGY TO ASSURE EVERY MAJOR ROAD CORRIDOR HAS RELIABLE CELL COVERAGE AS RECOMMENDED BY ESD'S UPSTATE CELLULAR COVERAGE TASK FORCE FINAL REPORT

Dated: December 18, 2023

Offered by: Braunius

WHEREAS, cellular service is vital to public safety and the economic wellbeing of communities throughout the Adirondack Park; and

WHEREAS, county officials report that approximately 70 percent of 9-1-1 calls originate from cellular phones; and

WHEREAS, in a recent survey hosted on a State Senate website of almost 2,000 Adirondack Park residents, 99 percent of respondents reported owning a cellular phone and 67 percent reported that they rely exclusively on a cellular phone; and

WHEREAS, dependency on cellular service is significant and growing, which speaks to the absolute necessity of improved coverage and service; and

WHEREAS, the State of New York helped respond to this reality in the North Country by working aggressively to deploy COWS (Celts On Wheels) to provide adequate emergency response capacity to serve visitors to the World University Games; and

WHEREAS, state officials are proposing that Empire State Development (ESD) designate a point person to coordinate the state's efforts to enhance cellular coverage, similar to the manner in which ESD designated a point person to coordinate the state's efforts to expand broadband coverage; and

WHEREAS, the Office of Renewable Energy Siting (ORES), which works to align all state agencies and state policy regarding renewable energy siting and implementation, serves as another successful example of the state coordinating its strategy on important infrastructure matters; and WHEREAS, barriers to achieving the state's goals with respect to both broadband and cellular coverage enhancement continue to exist within some state agencies, including but not limited to NYSDOT right-of-way requirements, tax policy, and APA restrictions, and an approach similar to ORES would be beneficial in overcoming these barriers; and

WHEREAS, improving broadband and cellular coverage is a safety issue, a public imperative widely demanded by our constituents, and has become increasingly regarded as a basic necessity; and

WHEREAS, some state policies, especially the APA's "substantial invisibility" standard, are not keeping pace with these trends and instead becoming antiquated and counterproductive from the perspective of emergency services best-practices in place elsewhere in New York State, including co-location of multiple telecommunication systems on cell towers; and

WHEREAS, APA's longstanding claim that the telecommunications industry does not oppose the "substantial invisibility" standard is inaccurate, demonstrated most recently in comments entered by Nixon Peabody into review of the 2002 APA Tower Policy, which recommend "that the Agency modify its 2002 policy that requires telecommunications facilities over 40' tall be 'substantially invisible,'" and which characterize that requirement as an "arbitrary standard [that] is the main impediment to delivering much needed reliable wireless telecommunications service to a greater portion of the Park;" and

WHEREAS, the general public is increasingly supportive of common sense policy changes that promote a more appropriate balance between public safety and aesthetics while maintaining sensitivity to the environment, as reflected in the aforementioned public opinion survey, in which 90 percent of respondents supported changes to the APA's "substantial invisibility" standard; and

WHEREAS, the state has begun taking steps indicating that policymakers recognize these challenges, including the issuance of Empire State Development's Upstate Cellular Coverage Task Force Final Report and APA's advancement of a General Permit to assist with cellular coverage expansion; now, therefore, be it

RESOLVED, that the Town of Lake Pleasant hereby supports the proposed designation by ESD of a point person to coordinate the state's efforts to enhance cellular coverage, and formally asks Governor Kathy Hochul to further enhance the state's efforts on broadband and cellular coverage expansion by employing a model similar to ORES that is respectful of the home rule process and designed to streamline policymaking across state agencies in pursuit of moving the state more expeditiously toward its goals; and be it further

RESOLVED, that the Town of Lake Pleasant hereby joins emergency service and telecommunication professionals, and other towns and villages across the Adirondacks, in urging the APA and the Governor to review the 2002 APA Tower Policy's antiquated "substantial invisibility" standard, which stands as the main impediment to delivering reliable telecommunication services necessary for public safety in large portions of the Adirondack Park; and be it further

RESOLVED, that copies of this resolution be forwarded to Governor Kathy Hochul, Adirondack Park Agency Executive Director Barbara Rice, State Senator Dan Stec, State Senator Mark Walczyk, Assemblyman Matt Simpson, Assemblyman Billy Jones, Assemblyman Ken Blankenbush, Assemblyman Robert Smullen, AATV, and Adirondack Inter-County.

2nd by: Martz

Adopted by the following vote:

Ayes: All (Supervisor Bain, Councilpersons – McGovern, Braunius, O'Connell and Martz)

Nays: None