

**TOWN OF PLATTSBURGH  
TOWN BOARD MONTHLY MEETING  
December 7, 2023**

**Resolution No. 023-270**

**Resolution 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**

**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 (Cells 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 Plattsburgh 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 Plattsburgh 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.

**Motion:**

**Seconded by:**

**Discussion:**

<u>Yes</u>	<u>No</u>	<u>Absent</u>	<u>Carried</u>	<u>Tabled</u>
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**Thomas E. Wood  
Barbara E. Hebert  
Charles A. Kostyk  
Dana M. Isabella  
Michael S. Cashman**