

**ECONOMIC GROWTH & DEVELOPMENT AND HIGHER EDUCATION**

**AGENDA**

**MAY 27, 2020**

***Committee Members: Supervisors Wild, Hogan, Leggett, Braymer, Diamond, Dickinson, Magowan, McDevitt and Seeber***

- I. Committee meeting called to order by Chair.
- II. Approval of minutes of prior Committee meeting.
- III. Action Agenda/New Business Items:  
None.
- IV. Discussion Items:  
Discussion to continue regarding request from the Planning & Community Development Department regarding a request for the Adirondack Park Agency to review and modify their cell tower regulations..
- V. Referrals/Pending Items:  
None.
- VI. Privilege of the Floor to discuss any additional items to come before the Committee
- VII. Motion to adjourn

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Attachments: 1) Resolution Request Form No. 20

# ***RESOLUTION REQUEST FORM NO. 20***

## ***MISCELLANEOUS***

***\*Please List All Other Requests Not Covered by Previous Resolution Request Forms Here.  
Please attach any backup information available and be as detailed as possible.***

**DEPARTMENT NAME:** Planning and Community Development

**DATE:** May 2020

- (a) Purpose of Request: Request APA review and modify cell tower regulations
  
- (b) Details: see below
  
- (c) Previous Resolution Number:
  
- (d) Where are the Funds (if required)? List Budget Code, Object Code, Full Title\* and Amount: N/A

**Sample: A.8021 470 Planning & Community Development – Contract**

\* as listed in budget and LOGOS

The following are some changes that could be made to the current APA “substantially invisible” policy:

- Change the policy to “not readily discernible”.
- The APA claims to prefer vertical co-location of carriers on one tower, but does not offer any incentive. The result is multiple horizontally collocated towers on sites close to each other, which detracts from, rather than enhances the view. The APA could change its policy to encourage the vertical collocation it says that it prefers by offering a height incentive of 10 to 15 feet above the tree height to encourage vertical collocation and reduce the proliferation of towers horizontally collocated with other towers. That would have the added benefit of reducing carrier’s costs.
- The policy could be changed to include general permits for cell carrier antennas on existing tall structures such as water towers, hotels ski lift towers, inside church steeples, government buildings etc.
- The policy could be changed to allow cell carrier antennas of some height, such as 20 feet above existing structures within the APA Hamlet classification.
- The policy could be changed to offer a height bonus of 10 to 20 feet above the tree canopy for new towers serving currently unserved areas in recognition of the pressing need illustrated by Covid-19 restrictions.
  - Suggest adding a requirement that staff and commissioners ask cell tower applicants for information, including a map, showing how a higher tower would expand coverage and benefit residents and travelers. That would enable commissioners to weigh the visibility cost against the public benefit.

**RESOLUTION NO. \_\_\_\_ OF 2020**

**Resolution introduced by Supervisors**

**REQUESTING THE ADIRONDACK PARK AGENCY REVIEW AND MODIFY CURRENT  
CELL TOWER REGULATIONS**

WHEREAS, currently in the Adirondack Park broadband and cellular phone service are unavailable in many areas due to the Adirondack Park Agency's (hereinafter "APA") "Tower Policy", and

WHEREAS, cellular telephone service and emergency telecommunication systems are increasingly critical to the health, safety, and welfare of the residents of the Adirondack Park, visitors, and emergency response personnel, and

WHEREAS, the current Pandemic has exposed how badly broadband and cellular phone service is needed in some areas of the Adirondack Park due to circumstances which include but are not limited to distance learning and telemedicine, and

WHEREAS, life threatening incidents have occurred in the Adirondack park during which the lack of cell phone and emergency radio service have led to delays in response, and

WHEREAS, radio communication is based on the "line of sight" transmission of radio waves from transmission antennas to receivers, including cell phones, and emergency radio receivers, and

WHEREAS, radio transmissions can only be received within a limited range of the transmitter, and the range depends on the transmitter power, antenna radiation pattern, receiver sensitivity, noise level, and presence of obstructions between transmitter and receiver, including trees, buildings, mountains, and other obstructing topography, and

WHEREAS, it is believed that the unavailability of cell and emergency radio service in the Adirondack Park is the foreseeable result of the APA policy which requires the towers supporting the antennas to be "substantially invisible" which puts the antennas at or near the height of obstructing tree canopies and below the height of surrounding topography which reduces the range of the radio waves, and

WHEREAS, the APA's current "Tower Policy" is negatively affecting public safety, education, and the economy, NOW THEREFORE, BE IT

RESOLVED, that the Warren County Board of Supervisors respectfully requests the APA review and modify their current cell tower regulations, and be it further

RESOLVED, that the APA consider the following changes when reviewing the criteria of "substantially invisible" as contained in the current APA "Tower Policy":

- Change the policy to "not readily discernible".
- The APA claims to prefer vertical co-location of carriers on one tower, but does not offer any incentive. The result is multiple horizontally collocated towers on sites close to each other, which detracts from, rather than enhances the view. The APA could change its policy to encourage the vertical collocation it says that it prefers by offering a height incentive of 10 to 15 feet above the tree height to encourage vertical collocation and reduce the proliferation of towers horizontally collocated with other towers. That would have the added benefit of reducing carrier's costs.
- The policy could be changed to include general permits for cell carrier antennas on existing tall structures such as water towers, hotels ski lift towers, inside church steeples, government buildings etc.
- The policy could be changed to allow cell carrier antennas of some height, such as 20 feet above existing structures within the APA Hamlet classification.
- The policy could be changed to offer a height bonus of 10 to 20 feet above the tree canopy for new towers serving currently unserved areas in recognition of the pressing need illustrated by Covid-19 restrictions.
- Suggest adding a requirement that staff and commissioners ask cell tower applicants for information, including a map, showing how a higher tower would expand coverage and benefit residents and travelers. That would enable commissioners to weigh the visibility cost against the public benefit.

## ***RESOLUTION REQUEST FORM NO. 4***

### ***Request for Extending, Rescinding or Amending Existing Contract***

**DEPARTMENT NAME:** Planning and Community Development

**DATE:** May 2020

- (a) Purpose of Contract Change: Secure additional graphics consistent with previous materials.
- (b) Resolution Number, or Numbers if Amended, which Authorized the Original Contract: 194/2019
- (c) Name of Contractor: Advocate LLC
- (d) Address of Contractor: 16c Exchange Street, Glens Falls, NY
- (e) Contractor's Contact Person and Telephone Number:
- (f) Commencement Date of Extension: 1 July 2020
- (g) Termination Date of Extension: 30 June 2021
- (h) Payment Provisions:
  - i) lump sum amount \$10,000
  - ii) hourly rate amount
  - iii) total amount not to exceed
  - iv) how will payments be made (i.e. monthly, quarterly, upon completion of the project, etc.
- (i) Where are the Funds for this Contract? List Budget Code, Object Code, Full Title\* and Amount: **OR** Capital Project **OR** Capital Reserve Project Number, and Title, and Amount: H372.9550 First Wilderness Plan Implementation

**Sample: A.1010 470 Legislative Board – Contract \$xx.xx**  
**Capital Project No. H289.9550 480 – Old Jail Renovations \$xx.xx**

\*as listed in budget and LOGOS

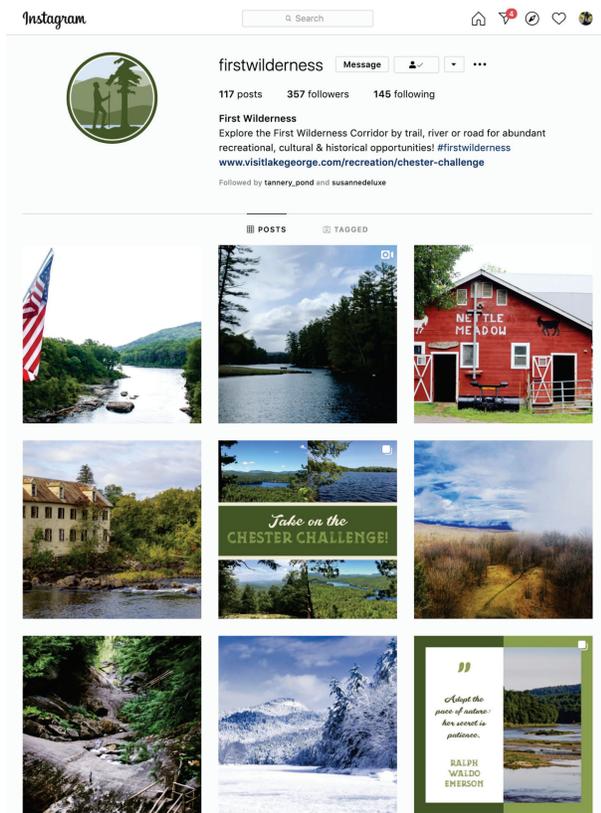
# advokate

## PROPOSAL

Prepared on May 26, 2020

Name: Sara Frankenfeld

Company: First Wilderness Heritage Corridor



## Social Media

- **4-6 Instagram posts per month** \$312/month • \$3,744/year
- **4-6 Facebook posts per month** \$312/month • \$3,744/year
- **Monthly reports** No extra charge
- **1-2 custom graphics for social each month** \$121/month • \$1,452/year
- **\$27/month boosting included** \$27/month, No extra charge for implementation • \$324/year
- **Licensing for 12 months of the 2019-2020 photos taken by Sidekick and Advokate** No extra charge
- **1 half-day photoshoot and photo editing** \$736

Additional in-person meetings, design work, scope of work changes, ad strategy, or revisions during the process are subject to our hourly rate (\$150 at this time), rounded up or down to the nearest 1/4 hour. Note: Editorial calendar not included, sophisticated ad strategy not included, and we recommend that someone from First Wilderness monitor messages sent to the accounts.

## Social Media Yearly Package

\$10,000.00

Select

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# Add-Ons

**Advokate wants to help you grow and thrive!**

**We can also provide:**

- Amity meetings (in-person one-on-one marketing consultation)
- Videography packages
- Branded photoshoots
- SEO (Search Engine Optimization) packages
- Content writing (great for blog posts or sales sheets)
- Logos and branding
- Graphic design, including business cards, brochures, banners and more
- Social media setup, training, and/or management
- PR services

**Contact us for a quote on these services to further empower your business to level up!**

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## FINE PRINT

Deviation from the timeline on the client's behalf may have repercussion in our ability to complete the project on time – additional revisions and failure to provide content, materials or approval of drafts may cause delays.

Should the project stall for more than three months due to the client's delaying approval or provision of content, we reserve the right to bill for the work Advokate has completed up to that point, and there may be a re-start fee and/or new project estimate. Deposits are non-refundable.

Please refer to the contract for further details.

Additional design and marketing work, revisions, meetings and tasks not outlined in this document may be added to this proposal at the rate of \$150 per hour.

## Adirondack Council Calls on Cellular Task Force to Respect Park's 'Substantially Invisible' Standard

*The Adirondack Council has sent the following letter to the Upstate Cellular Coverage Task Force, which is due to issue recommendations soon on how to accelerate the installation of modern telecommunications in rural areas of New York. We want the panel to understand that the rules that protect the Adirondack Park's scenic beauty have done nothing to prevent or even inhibit the installation of new equipment. We also want the panel to note that there are alternatives that are both less expensive and less intrusive than taller towers, which we recommend.*

November 8, 2019

Upstate Cellular Coverage Task Force

Empire State Development

625 Broadway

Albany, NY 12245

RE: Cellular Tower Development in the Adirondack Park

Dear Members of the Upstate Cellular Coverage Task Force,

Cellular towers in the Adirondack Park have long been guided by the Adirondack Park Agency's (APA) Policy on Agency Review of Proposals for New Telecommunications Towers and Other Tall Structures in the Adirondack Park (Tower Policy). The Park Agency has done an excellent job of ensuring that new towers fit into the surrounding landscape by requiring that all tall structures be "substantially invisible" when viewed from public places, consistent with the Tower Policy. The Upstate Cellular Coverage Task Force's (UCCTF) anticipated recommendations must maintain, not undermine, the efficacy and implementation of this policy. Doing so not only ensures public health and safety is maintained but also provides the appropriate balance in protecting the world-class natural resources that make the Adirondacks internationally famous.

The "substantially invisible" rule dictates that a communication tower, its support facilities and access roads "will not be readily apparent as to size, composition, or color and the structure(s) will, to the maximum extent practicable, blend with the background, vegetation, other structures or other landscape features as seen from all significant potential public viewing points and as documented by simulation and other visual analysis methods." This rule and the policy writ large has been a model for the entire nation and has allowed rapid expansion of cell phone and broadband service while preserving the "natural scenic character and beauty of the Adirondack Park" which is the foundation of the quality of life and economy of the region.

In fact, the Federal Communications Commission (FCC) recently went out of its way to preserve the Adirondack Park Agency's "substantially invisible" policy, rejecting a plan to allow automatic approval for

tower height and width expansions without a review. The FCC received a flood of letters in support of New York's right to protect the Adirondack Park's incredible scenic beauty. The FCC also approved expedited installation of small-cell equipment on utility poles and other existing structures. This provided another tool to supplement cell towers by providing coverage along major highways, where towers may not be practical.

The "substantially invisible" policy has caused very little difficulty for cell phone companies. At public forums, industry representatives have reported that the policy has caused no major delays or obstacles to installations. To date, the APA has not rejected a single cell tower installation permit, while approving dozens.

That doesn't mean everyone has coverage - far from it. Companies have been reluctant to build expensive towers in very small communities, citing too few potential customers to regain their investments. Coverage is missing, but needed, along highways on the Park's interior, where both sides of the road may be Forest Preserve that is protected from development by the NYS Constitution, or commercial timberland where no one lives.

We have no expectation of blanket coverage in unpopulated forests.

As was noted at the recent Common Ground Alliance (CGA) forum in Lake Placid this summer, all forms of public telecommunications in the North Country are inadequate. While coverage has improved in some locations over the last 20 years, such as along the Northway corridor, the need still exists to map and propose solutions to the Park's current communications gaps. Take-aways from the CGA session on Adirondack Communications Infrastructure (cellular, broadband, emergency) included:

While improving in places, the current coverage and infrastructure for cell phones, broadband and emergency communications is inadequate, and in places getting worse.

Any Communication Task Force that is created must include representation from the Adirondacks. (We recognize that this was done, and we appreciate it).

Fund 100% of the last mile 100 meg broadband coverage in the Adirondack Park.

Broadband internet availability is improving inside the Park, with the high-speed fiber-optic network being developed with assistance from the state. Broadband installations can help extend the range of cell coverage too, by adding voice-over-internet options via high-speed modems and wireless routers. This allows homes and businesses without nearby cell towers to make and receive cell calls via internet connections.

Without the substantially invisible rule, the Adirondacks would likely be pockmarked with tall "Frankepines" - an issue many have fought hard to prevent. Consistent with the Tower Policy, the Adirondack Council continues to advocate that cell towers should always seek to minimize to the greatest extent possible the height and visual impact of the tower and achieve avoidance of visual impacts. To accept clear exceptions to the invisibility standard would mar the Adirondack Park and its treasured scenic qualities.

In addition, given the ever-shrinking footprint of technology, the Council encourages the Task Force to evaluate how modern technology can be incorporated to bring 5G or better small cell technology and units mounted on telephone poles along travel corridors. In addition, new technology may offer other alternatives to minimize tower height. While developing tall towers - well above the tree line - may be appropriate in some portions of the state, it is inappropriate in the Adirondack Park.

Addressing cellular coverage challenges will require creative solutions that respect and protect the unique regulatory, environmental and scenic qualities of the Adirondack Park. A loosening of existing rules for the siting of new towers or expansion of current towers would harm both the scenic beauty and the local economies of the Park.

But the challenges must be addressed if Adirondack Park residents are to have the same access as other New Yorkers to commercial, social and cultural opportunities available via smartphone and internet communications.

So, the state must be prepared to subsidize the expansion and improvement of cell coverage in rural areas, especially in the Adirondack Park. Rather than accept that some communities and major travel corridors are too remote to serve, work with service providers and communities to subsidize basic services and equipment. Again, we urge that this new equipment be as invisible as possible, outside of hamlets and villages, to preserve the park's awe-inspiring scenic beauty.

This beauty attracts more than 12 million annual visitors, generating tax revenue and income across the Park's 12 counties, 92 towns and nine villages. The Park's vast, wild, unspoiled landscapes set it apart from all other destinations. They should be treasured.

In closing, protecting the Adirondack Park's natural resources and accommodating amenities that provide for the safety of our communities and improve our region's unique quality of life are often seen as being at odds. The APA's Tower Policy is an example of where that balance has been successfully achieved. As the UCCTF moves forward, the Task Force must maintain the integrity of the "substantially invisible" rule and ensure that any cellular coverage and tower recommendations for the Adirondack Park are consistent with the Tower Policy.

Thank you for reviewing our comments.

Sincerely,

John F. Sheehan

Director of Communications

cc: Barbara Rice, Assistant Secretary for Economic Development

Jeffrey Nordhaus, Executive Vice President, Innovation and Broadband, Empire State Development

Thomas Congdon, Deputy Commissioner, New York State Public Service Commission

William Farber, Chair, Board of Supervisors, Hamilton County

Chris Fisher, Advisor and Former President, New York State Wireless Association

David Hopkins, Director, E911, Steuben County

Jeff Senterman, Executive Director, Catskill Center

Dr. Satya Sharma, Executive Director, CeWIT, SUNY Stony Brook

Michael Sprague, Director, New York State Division of Homeland Security and Emergency Services

Rick Weber, Deputy Director, Planning, New York State Adirondack Park Agency

Betty Little, New York State Senator

Jen Metzger, New York State Senator

Rachel May, New York State Senator Senate

Aileen M. Gunther, New York State Assembly Member

Billy Jones, New York State Assembly Member

Angelo Santabarbara, New York State Assembly Member