

**A RESOLUTION TO BE SUBMITTED BY  
LEGISLATORS LORIGO, MILLS, AND HARDWICK**

**Re: Support for Continued Local Control Over Cell Phone Tower Placement**

**WHEREAS**, cellphone towers are a necessity as they provide a means for communication between and among residents, first responders, and other emergency service providers; and

**WHEREAS**, despite being a necessity, they are often found to be unattractive, as a result local governments have put limitations on the construction and placement of new cell towers based on their own individual preference; and

**WHEREAS**, locally the Town of Amherst and the Town of Tonawanda already have restrictions in place limiting or prohibiting the construction of new cell towers; and

**WHEREAS**, Governor Cuomo has introduced a new proposal that would eliminate local authority over the location of "small cells," which are cell towers that can be placed over existing telephone poles that add several feet in height and weigh in at roughly 400 pounds; and

**WHEREAS**, Governor Cuomo's proposal would entirely remove local control over the construction and placement of these cells in favor of a single statewide plan; and

**WHEREAS**, localities often have aesthetic concerns, and do not want these eyesores in the open to detract from the landscape and neighborhoods, as they add both height and size to the top of telephone poles, in addition to public safety concerns; and

**WHEREAS**, this proposal has already been opposed by the Association of Towns and the New York Conference of Mayors in a recent letter, which was co-signed by Mayor Brown favoring the continuation of local control over the placement of small cells; and

**WHEREAS**, it is the determination of this honorable body that residents are in the best position to determine whether they wish to allow the construction of additional cell phone towers in their neighborhoods, and local governments are in the best position to be responsive to the concerns of those residents; and

**WHEREAS**, it is also the finding of this body that if slow cell service and poor reception become an issue for residents of a particular city or town where a local restriction is in effect, residents living there can petition local representatives for changes to the local zoning ordinances or use their vote to effectuate local change.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this honorable body supports the continued ability of local governments to control the placement and regulations of cell towers and further opposes the Governor's proposal for a statewide permitting process; and, be it further

**RESOLVED**, that certified copies of this Resolution be sent to the Western New York delegation to the New York State Legislature, Governor Andrew Cuomo's office, and any other party deemed necessary and proper.