



New York State Conference of Mayors and Municipal Officials

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March 2, 2020

The Honorable Andrew M. Cuomo
Governor of the State of New York
State Capitol
Executive Chamber
Albany, NY 12224

Dear Governor Cuomo:

The New York State Conference of Mayors and the individual mayors and local officials listed below write to express our strong opposition to Article VII, Part BB of the Transportation, Economic Development and Environmental Conservation (“TED”) budget bill. This legislation would amend the General Municipal Law to add a new Article 13-E entitled, “Small Wireless Facilities Deployment,” which, much like the substantially similar 2018-19 Executive Budget proposal, would severely restrict local governments’ authority to regulate wireless facilities by granting wireless service providers unfettered rights of access to the municipal right-of-way (ROW) and mandate specific application procedures for wireless facilities installed in the ROW.

While NYCOM strongly supports universal high-speed internet access for all New Yorkers, the means by which this legislation mandates the installation of wireless facilities is fatally flawed and not in the public interest. Specifically, this proposal would establish uniform procedures affecting the siting of small wireless facilities and further restrict local authority to hold wireless companies responsible for infrastructure installed in the municipal ROW. Additionally, local governments would be prevented from imposing meaningful indemnification clauses in ROW occupancy agreements and would be restricted from enforcing sufficient bonding requirements on wireless providers when installing facilities in the municipal ROW.

Most remarkably, this bill would usurp local government authority to address the public safety and aesthetic considerations related to the installment of such facilities by providing for default approval of wireless installations. Default approval remedies were specifically rejected by the FCC as excessive and meritless because the shot clocks are efficient and effective. Moreover, such a standard could put the public’s health, safety, and welfare at risk by allowing wireless providers to begin installing and operating equipment that has not been inspected to ensure that the structure on which it has been attached can safely handle the load.

Achieving broadband ubiquity is an important and necessary goal for all municipalities in New York State. To that end, local officials are working to ensure that all New Yorkers, regardless of where they reside and in which communities the industry invests its technology, have equal access to high speed broadband. Similarly, cities and villages throughout the State are eager for the economic opportunities and technological advances that will be made possible with 5G. However, disadvantaging local governments by constraining their ability to hold telecommunications accountable for wireless equipment installed in the ROW is simply untenable.

There is no doubt that this legislation would force local governments to abdicate their responsibility to ensure safe streets in support of the telecommunications providers’ blatant attempt to receive an industry subsidy by eliminating local control over siting decisions in municipally owned and controlled rights-of-way. Lastly, this bill has no State fiscal impact, and consequently, this proposal should be addressed outside of the budget. For the aforementioned reasons, we and NYCOM vigorously oppose this legislation and urge you to quickly and completely reject this proposal.

Sincerely,


Peter A. Baynes
NYCOM Executive Director

cc: Robert Mujica, Budget Director

Additional co-signers:

Mayor Kathy Sheehan, City of Albany
Mayor Michael Cinquanti, City of Amsterdam
Dr. Martin Moore, Manager, City of Batavia
Mayor Richard C. David, City of Binghamton
Mayor Byron Brown, City of Buffalo
Mayor William M. Boland, Jr., City of Corning
Mayor Deana Michaels, City of Fulton
Mayor Steve Valentino, City of Geneva
Mayor Timothy Tenke, City of Glen Cove
Mayor John Buckley, City of Hornell
Mayor Edward Sundquist, City of Jamestown
Mayor Steven T. Noble, City of Kingston
Mayor Annette Iafallo, City of Lackawanna
Mayor Michelle M. Roman, City of Lockport
Mayor Noam Bramson, City of New Rochelle
Mayor Bill de Blasio, City of New York
Mayor Jeffrey Michael Skelly, City of Ogdensburg
Mayor William Aiello, City of Olean
Mayor Gary Herzig, City of Oneonta
Mayor Rob Rolison, City of Poughkeepsie
Mayor Lovely A. Warren, City of Rochester
Mayor Jacqueline Izzo, City of Rome
Mayor Joshua Cohn, City of Rye
Mayor Meg Kelly, Village of Saratoga Springs
Mayor Rick Davis, City of Tonawanda
Mayor Patrick Madden, City of Troy
Mayor Charles Patricelli, City of Watervliet
Mayor Thomas M. Roach, City of White Plains
Mayor Philip Chatterton, Village of Adams
Mayor Raymond Walch, Village of Addison
Mayor Michael Manicki, Village of Alden
Mayor Gregory W. Pearl, Village of Allegany
Mayor Kerry Dineen, Village of Altamont
Mayor Dennis M. Siry, Village of Amityville
Mayor Michael Trivisonoli, Village of Angelica
Mayor Howard "Hub" Frawley, Village of Angola
Mayor Jonathon Cole, Village of Antwerp
Mayor Greg Letica, Village of Asharoken
Mayor Philip Wade, Village of Bainbridge
Mayor Richard Clarke, Village of Baldwinsville
Mayor Nora Haagenson, Village of Baxter Estates
Mayor Robert DeNatale, Village of Bayville
Mayor Robert Sandak, Village of Belle Terre
Mayor Steven Vescio, Village of Briarcliff Manor
Mayor Richard Frost, Village of Brocton
Mayor Mary C. Marvin, Village of Bronxville
Mayor Daniel H. Serota, Village of Brookville
Mayor Theresa Knickerbocker, Village of Buchanan
Mayor Scott DiLiberto, Village of Caledonia
Mayor Richard A. Waterman, Village of Camillus
Mayor Eric Halstead, Village of Candor
Mayor Monica Recktenwald, Village of Canisteo
Mayor Michael Dalton, Village of Canton
Mayor Linda Woodard, Village of Cayuga Heights
Mayor Scott Schrecengost, Village of Celoron
Mayor Janet McFetridge, Village of Champlain
Mayor Valerie Rust, Village of Chaumont
Mayor Louis A. Guido, Jr., Village of Cherry Valley
Mayor John Thomas Bell, Village of Chester
Deputy Mayor Melinda Kopp, Village of Chittenango

Mayor John Hartman, Village of Churchville
Mayor Norma J. Zimmer, Mayor Clayton
Mayor Terry Dote, Village of Clayville
Mayor Gerald Fremouw, Village of Clyde
Mayor Rebecca Stanton-Terk, Village of Cobleskill
Mayor Ellen Tillapaugh, Village of Cooperstown
Mayor Dennis Morreale, Village of Corinth
Mayor Brendan G. Coyne, Village of Cornwall-on-Hudson
Mayor Mark Evans, Village of Coxsackie
Mayor Brian Pugh, Village of Croton-on-Hudson
Mayor Michele Miller, Village of Cuba
Mayor Peter Vogt, Village of Dansville
Mayor Janet M. Zando, Village of Deferiet
Mayor Richard Maxey, Village of Delhi
Mayor Vincent Rossillo, Village of Dobbs Ferry
Mayor Mary Puznowski, Village of Dolgeville
Mayor Frederick Cratsley, Jr., Village of Dundee
Mayor Peter Mercurio, Village of East Aurora
Mayor Adam Acquario, Village of East Nassau
Mayor Bruno F. Romano, Village of East Rockaway
Mayor John Burrell, Village of Ellicottville
Mayor Robert Williams, Village of Elmsford
Mayor Linda Jackson, Village of Endicott
Mayor James J. Basile, Village of Fair Haven
Mayor Julie Domaratz, Village of Fairport
Mayor James Rensel, Village of Falconer
Mayor Ralph Ekstrand, Village of Farmingdale
Mayor Jere Hoisington, Village of Farnham
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Mayor Stephen Macaulay, Village of Glen Park
Mayor Ellen M. McNulty-Ryan, Village of Green Island
Mayor Phillip Brown, Village of Greene
Mayor Pamela Fuller, Village of Greenwich
Mayor Christopher S. Neville, Village of Groton
Mayor RuthAnn Speer Loveless, Village of Hamilton
Mayor Shelly Youngs, Village of Hammond
Mayor Carolann McGrath, Village of Hancock
Mayor Stephen Welle, Village of Harriman
Mayor Michael F. Kohut, Village of Haverstraw
Mayor Douglas Dahlgard, Village of Head of the Harbor
Mayor Mark Weiss, Village of Hewlett Harbor
Mayor Joseph P. Tursi, Village of Hillburn
Mayor Joseph Lee, Village of Hilton
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Mayor Darren "Hal" McCabe, Village of Homer
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Mayor Allie Pindazovits, Village of Kaser
Mayor Patrick Mang, Village of Kenmore
Mayor Michael C. Kalnick, Village of Kings Point
Mayor Robert Blais, Village of Lake George
Mayor Adam Hoffman, Village of Lake Success
Mayor William C. Schroeder, Village of Lancaster
Mayor Donald Hartill, Village of Lansing
Mayor Lorraine Walsh, Village of Larchmont

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Mayor Gregory Rogers, Village of Le Roy
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Mayor Jean M. Thatcher, Village of Lloyd Harbor
Mayor Alan C. Beach, Village of Lynbrook
Mayor Nancy Johnsen, Village of Manchester
Mayor Paul Whorrall, Village of Manlius
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Mayor Michael Bowman, Village of Nelsonville
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Mayor James P. Tornatore, Village of Newark Valley
Mayor Vincent George, Village of North Collins
Mayor Marvin Natiss, Village of North Hills
Mayor Gary Butterfield, Village of North Syracuse
Mayor Damon McMullen, Village of Northport
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Mayor Rick Hauser, Village of Perry
Mayor Matthew J. Montroy, Village of Philadelphia
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Mayor Kenneth Riscica, Village of Plandome Heights
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Mayor Eric Constance, Village of Sackets Harbor
Mayor Kathleen Mulcahy, Village of Sag Harbor
Mayor Donald Louchheim, Village of Sagaponack
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Mayor Eileen Hansen, Village of Scottsville
Mayor Edward Lieberman, Village of Sea Cliff
Mayor Colleen Meeder, Village of Sherman
Mayor Jeffrey Hornburg, Village of Silver Creek
Mayor Marin L. Hubbard, Village of Skaneateles
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Mayor David McDowell, Village of Sodus Point
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Mayor Harry Gutheil, Jr., Village of South Glens Falls
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Mayor Melissa Flint-Morgan, Village of Tully
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Mayor Marshall Katz, Village of Wesley Hills
Mayor Scott M. Burto, Village of West Carthage
Mayor Robert R. D'Amelio, Village of West Haverstraw
Mayor Peter I. Cavallaro, Village of Westbury
Mayor Michael VandeVelde, Village of Westfield
Mayor Philip Smith, Village of Whitehall
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Mayor Michael A. Mahoney, Village of Yorkville
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