**TOWN OF SULLIVAN**

**TOWN BOARD RESOLUTION**

**January 15, 2020**

**TOWN OF SULLIVAN LOCAL LAW A OF 2020**

(“A Local Law to Amend the Code of the Town of Sullivan to Create a

New Chapter 210 Titled “Small Cell Wireless Deployment Requirements”)

Counselor Martin introduced proposed Local Law No. A-2020, “A Local Law to Amend the Code of the Town of Sullivan to Create a New Chapter 210 Titled “Small Cell Wireless Deployment Requirements,” and made the following motion which was seconded by Counselor Brzuszkiewicz:

**WHEREAS**, proposed Local Law A-2020 has been introduced and will be considered for enactment pursuant to the provisions of the Municipal Home Rule Law and Town Law; and

**WHEREAS**, the Federal Communications Commission (“FCC”) has issued a Declaratory Ruling and Third Report and Order, known as FCC 18-133 or the “Order”, to encourage and facilitate the deployment of small cell wireless communications facilities throughout the United States of America; and

**WHEREAS**, referencing several reasons and determinations as to why the deployment of small cell wireless communications facilities throughout the United States is considered beneficial, the Order is intended to streamline and accelerate the wireless infrastructure siting review process; and

**WHEREAS**, the Order does, however, explicitly reserve the right of local governments to impose aesthetic requirements and safety considerations upon such small cell wireless communications facilities; and

**WHEREAS**, by Resolution dated April 3, 2019, the Town of Sullivan Town Board expressed its desire to preserve and maintain all of its legal rights and options to address and reasonably regulate additional telecommunication technologies, including, but not limited to so called “4G” and “5G” technology, which rights and options included the ability to establish standards and requirements relative to the siting, construction, operation, maintenance, and permitting of such small commercial wireless facilities; and

**WHEREAS**, the Town Board desires to regulate the deployment of small cell wireless communications facilities throughout the Town in conformance with the guidance and rules set forth in the Order; and

**WHEREAS**, no other agency has the legal authority or jurisdiction to approve or directly undertake the enactment of Local Laws in the Town of Sullivan, such that there are no other involved agencies within the meaning of the New York State Environmental Quality Review Act (SEQRA) with respect to the proposed enactment of said Local Law, with the result that the Town Board shall act as lead agency in this matter; and

**WHEREAS**, the adoption of said Local Law is an unlisted action for purposes of environmental review under SEQRA and a Short Environmental Assessment Form (EAF) in support of this Local Law has been prepared and has been reviewed by the Town Board; and

**WHEREAS**, the Town Board has considered the adoption of said Local Law, has considered the criteria contained in 6 N.Y.C.R.R. Part 617.7 and has compared the impacts which may be reasonably expected to result from the adoption of said Local Law against said criteria.

**NOW, THEREFORE, IT IS**

**RESOLVED AND DETERMINED** that there are no other involved agencies, that the Town Board shall act as lead agency and the enactment of proposed Local Law No. A-2020 is an unlisted action for purposes of SEQRA review; and it is further

**RESOLVED AND DETERMINED** that the Town Board, upon review of the EAF and proposed Local Law has determined that this action, which will streamline and accelerate the wireless infrastructure siting review process while regulating local aesthetics and imposing public safety consideration in accordance with FCC 18-133, will have no adverse impact on the environment; that accordingly, an environmental impact statement (EIS) shall not be required and that this resolution shall constitute a negative declaration pursuant to SEQRA; and it is further

**RESOLVED** that this proposed Local Law will be referred to the Madison County Planning Board pursuant to New York General Municipal Law §239; and it is further

**RESOLVED** that the Town Board shall conduct a public hearing as to the enactment of proposed Local Law No. A-2020 at the Town Hall located at 7507 Lakeport Road, Chittenango, New York on February 19, 2020 at 6:00 p.m., or as soon thereafter as the matter can be heard, at which time all persons interested in the subject shall be heard; and be it further

**RESOLVED** that notice of said public hearing shall be provided at least ten (10) days prior to the date of said public hearing in a newspaper of general circulation within the Town of Sullivan and to any affected municipalities described above.

The question of the adoption of the foregoing resolution was duly put to a vote and upon roll call, the vote was as follows:

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| --- | --- | --- | --- |
| **John E. Brzuszkiewicz** | **Councilor** | **Voted** | **Yes** |
| **Thomas J. Kopp Jr.** | **Councilor** | **Voted** | **Yes** |
| **Kerry Ranger** | **Councilor** | **Voted** | **Yes** |
| **Jeffrey Martin** | **Councilor** | **Voted** | **Yes** |
| **John M. Becker** | **Supervisor** | **Voted** | **Yes** |

The foregoing resolution was thereupon declared duly adopted.

**DATED: January 15, 2020**

**CERTIFICATE**

**STATE OF NEW YORK )**

**COUNTY OF MADISON )**

I, the undersigned Deputy Town Clerk of the Town of Sullivan, Madison County, New York, **DO HEREBY CERTIFY:**

That I have compared the foregoing Resolution with the original thereof on file in the Office of the Town Clerk of the Town of Sullivan, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

**I FURTHER CERTIFY** that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law, said meeting was open to the general public.

**IN WITNESS WHEREOF,** I have hereunto set my hand and affixed the seal of said Town on January 15, 2020.

**AMY RANDALL**

**Deputy Town Clerk**

**(SEAL)**