



# Legislative & Government Affairs Committee

Wednesday, December 6, 2023 2PM  
40 McMaster Street, Ballston Spa, NY

**Chair:** C. Eric Butler

**Members:** Mark Hammond, John Lant, Kevin Veitch (vc), Sandra Winney

## Agenda

- I. Welcome and Attendance
- II. Approval of the minutes of the June 7, 2023 meeting
- III. 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 – Steve Bulger, County Administrator
- IV. Supporting Senate Bill S7645 that repeals certain provisions of the Executive Law establishing a fee for background checks on certain firearm and ammunition purchases – Steve Bulger, County Administrator
- V. Other Business
- VI. Adjournment



# SARATOGA COUNTY

## AGENDA ITEM REQUEST FORM

**TO:** Steve Bulger, County Administrator  
Ridge Harris, Deputy County Administrator  
Michelle Granger, County Attorney  
Therese Connolly, Clerk of the Board  
Stephanie Hodgson, Director of Budget

**CC:** John Warmt, Director of Purchasing  
Jason Kemper, Director of Planning and Economic Development  
Bridget Rider, Deputy Clerk of the Board  
Matt Rose, Management Analyst  
Audra Hedden, County Administrator's Office  
Laurie Vroman, County Attorney's Office

**DEPARTMENT:** Board of Supervisors

**DATE:** 12.1.2022

**COMMITTEE:** Legislative & Government Affairs

1. Is a Resolution Required:

Yes, Other

2. Proposed Resolution Title:

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

3. Specific Details on what the resolution will authorize:

This resolution will be sent to the Governor and State Legislative and Agency leaders and communicate the Board of Supervisors' support for this initiative.

This column must be completed prior to submission of the request.

County Attorney's Office  
Consulted **Yes**

4. Is a Budget Amendment needed:  YES or  NO  
If yes, budget lines and impact must be provided.  
Any budget amendments must have equal and offsetting entries.

County Administrator's Office  
Consulted Yes

Please see attachments for impacted budget lines.  
(Use ONLY when more than four lines are impacted.)

Revenue

Account Number	Account Name	Amount
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Expense

Account Number	Account Name	Amount
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Fund Balance (if applicable): (Increase = additional revenue, Decrease = additional expenses)

Amount:

5. Identify Budget Impact (**Required**):

No Budget Impact

- a. G/L line impacted
- b. Budget year impacted
- c. Details

6. Are there Amendments to the Compensation Schedule?

YES or  NO (If yes, provide details)

a. Is a new position being created?  Y  N

Effective date

Salary and grade

b. Is a new employee being hired?  Y  N

Effective date of employment

Salary and grade

Appointed position:

Term

c. Is this a reclassification?  Y  N

Is this position currently vacant?  Y  N

Is this position in the current year compensation plan?  Y  N

Human Resources Consulted  
N/A

7. Does this item require the awarding of a contract:  Y  N

a. Type of Solicitation

b. Specification # (BID/RFP/RFQ/OTHER CONTRACT #)

c. If a sole source, appropriate documentation, including an updated letter, has been submitted and approved by Purchasing Department?  Y  N  N/A

d. Vendor information (including contact name):

e. Is the vendor/contractor an LLC, PLLC, or partnership:

f. State of vendor/contractor organization:

g. Commencement date of contract term:

h. Termination of contract date:

i. Contract renewal date and term:

k. Is this a renewal agreement:  Y  N

l. Vendor/Contractor comment/remarks:

Purchasing Office Consulted  
N/A

County Administrator's Office  
Consulted **Yes**

8. Is a grant being accepted:  YES or  NO
- a. Source of grant funding:
  - b. Agency granting funds:
  - c. Amount of grant:
  - d. Purpose grant will be used for:
  - e. Equipment and/or services being purchased with the grant:
  - f. Time period grant covers:
  - g. Amount of county matching funds:
  - h. Administrative fee to County:

9. Supporting Documentation:

- Marked-up previous resolution
- No Markup, per consultation with County Attorney
- Information summary memo
- Copy of proposal or estimate
- Copy of grant award notification and information
- Other Draft Resolution provided by AATV

10. Remarks:

**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 NYS DOT 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 or Village of) \_\_\_\_\_ 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 or Village of) \_\_\_\_\_ 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.





# SARATOGA COUNTY

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Laurie Vroman, County Attorney's Office

**DEPARTMENT:** Board of Supervisors

**DATE:** 12.1.2022

**COMMITTEE:** Legislative & Government Affairs

1. Is a Resolution Required:

Yes, Other

2. Proposed Resolution Title:

SUPPORTING SENATE BILL S7645 THAT REPEALS CERTAIN  
PROVISIONS OF THE EXECUTIVE LAW ESTABLISHING A  
FEE FOR BACKGROUND  
CHECKS ON CERTAIN FIREARM AND AMMUNITION  
PURCHASES

3. Specific Details on what the resolution will authorize:

This resolution will be sent to the Governor and State  
Legislative and Agency leaders and communicate the Board of  
Supervisors' support for this bill.

This column must be completed  
prior to submission of the request.

County Attorney's Office  
Consulted Yes

4. Is a Budget Amendment needed:  YES or  NO  
If yes, budget lines and impact must be provided.  
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County Administrator's Office  
Consulted **Yes**

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Salary and grade

b. Is a new employee being hired?  Y  N

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Appointed position:

Term

c. Is this a reclassification?  Y  N

Is this position currently vacant?  Y  N

Is this position in the current year compensation plan?  Y  N

Human Resources Consulted  
N/A

7. Does this item require the awarding of a contract:  Y  N

a. Type of Solicitation

b. Specification # (BID/RFP/RFQ/OTHER CONTRACT #)

c. If a sole source, appropriate documentation, including an updated letter, has been submitted and approved by Purchasing Department?  Y  N  N/A

d. Vendor information (including contact name):

e. Is the vendor/contractor an LLC, PLLC, or partnership:

f. State of vendor/contractor organization:

g. Commencement date of contract term:

h. Termination of contract date:

i. Contract renewal date and term:

k. Is this a renewal agreement:  Y  N

l. Vendor/Contractor comment/remarks:

Purchasing Office Consulted  
N/A

County Administrator's Office  
Consulted **Yes**

8. Is a grant being accepted:  YES or  NO
- a. Source of grant funding:
  - b. Agency granting funds:
  - c. Amount of grant:
  - d. Purpose grant will be used for:
  - e. Equipment and/or services being purchased with the grant:
  - f. Time period grant covers:
  - g. Amount of county matching funds:
  - h. Administrative fee to County:

9. Supporting Documentation:

- Marked-up previous resolution
- No Markup, per consultation with County Attorney
- Information summary memo
- Copy of proposal or estimate
- Copy of grant award notification and information
- Other Copy of Resolution passed by Fulton Co Board

10. Remarks:

**Resolution No. 390**

Supervisor GROFF offered the following Resolution and moved its adoption:

RESOLUTION SUPPORTING SENATE BILL S7645 THAT REPEALS CERTAIN PROVISIONS OF THE EXECUTIVE LAW ESTABLISHING A FEE FOR BACKGROUND CHECKS ON CERTAIN FIREARM AND AMMUNITION PURCHASES

WHEREAS, Senate Majority Leader Andrea Stewart-Cousins sponsored Bill S51001, referred to as the “Concealed Carry Improvement Act” (CCIA) which amended the penal law, the general business law, the executive law, the civil practice law and rules and the state finance law, in relation to licensing and other provisions relating to firearms; and

WHEREAS, said so-called “Concealed Carry Improvement Act” was signed into law by Governor Hochul on July 1, 2022; and

WHEREAS, said Act included regulations that allow the State to have oversight over background checks for firearms and ammunition purchases; and

WHEREAS, said Act amended state executive law to add a new section 228, authorizing the New York State Police to run national instant criminal background (NICS) checks and serve as a State point of contact rather than utilizing the current NICS background check system; and

WHEREAS, said Act also created a new bureau within the State Police financed by new “background check fees” upon purchasers to cover the costs associated with performing state background checks; and

WHEREAS, these provision of the so-called CCIA have resulted in onerous background check fees upon citizens equal to \$2.50 for every ammunition purchase and \$9.00 for every firearm purchase with the potential for increases without legislative approval; and

WHEREAS, the CCIA infringes on the Constitutional right to own and bear arms guaranteed by the Second Amendment; and

WHEREAS, Senate Bill S.7645, sponsored by Senator Mark Walczyk would repeal Subdivision 5 of Section 228 of the Executive Law of S51001 relating to the background check fees for firearms and ammunition as included in the CCIA; now, therefore be it

RESOLVED, That the Board of Supervisors hereby endorses Senate Bill S7645 that would repeal certain provisions of the Executive Law establishing a fee for background checks on certain firearm and ammunition purchases and amends state finance law, in relation to the source of funds for the background check fund; and, be it further

**Resolution No. 390 (Continued)**

RESOLVED, That certified copies of this Resolution be forwarded to the County Treasurer, Governor Hochul, Senate Majority Leader Andrea Stewart-Cousins, Assembly Speaker Carl Heastie, Senator Mark Walczyk, Assemblyman Robert Smullen, Assemblyman Matt Simpson, Assemblywoman Mary Beth Walsh, All Counties, County Attorney, Budget Director/County Auditor and Administrative Officer/Clerk of the Board, and to each and every other person, institution or agency which will further the purport of this Resolution.

Seconded by Supervisor FAGAN and adopted by the following vote:

TOTAL: Ayes: 19 Nays: 0 Absent: 1 (Supervisor Goderie)