



# TOWN OF EAST HAMPTON

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## **An Open Letter to the Community from East Hampton Town Supervisor Peter Van Scoyoc**

### **Regarding East Hampton Town's Emergency Communications System and Wireless Cellular Communications in Springs**

There has been ongoing public interest and discussion of the issue of emergency communications as well as cell carrier coverage throughout the town and especially in Springs – topics the Town Board is fully aware of and has been working diligently to try to resolve.

I am happy to note that the application before the East Hampton Town Planning Board by American Tower, for a tower at Camp Blue Bay in Springs that would hold EH Town emergency services communications equipment, securing a vital link in the townwide communications system used by our emergency responders, is nearing completion, with a public hearing to be held by the Planning Board at 7 p.m. at Town Hall on Oct. 19.

To boost the emergency communications system in the Springs area until the new pole is erected and equipment can be installed, should it gain Planning Board approval, the Town has had a “cell on wheels,” or “COW,” located at the Town Dock at Gann Road since June.

The Camp Blue Bay tower will also be able to accommodate several private wireless service (cell phone) carriers, improving cell phone service in parts of Springs. However, it has become clear that no single tower site will completely eliminate coverage and capacity gaps within Springs or the town at large.

I would encourage anyone who is concerned about communications in Springs to address the Planning Board at next week's public hearing, engaging in the public process for vetting such applications, and voice their opinions, pro or con.

In addition, I invite anyone who wishes to learn more or address the Town Board on this topic to attend a Town Board meeting, contact any board member for an in-person appointment, or correspond with board members by phone or email.

We have, once again, placed this important topic on the agenda, for the Oct. 18 Town Board meeting, which starts at 11 a.m. at Town Hall. The meeting can be viewed live on LTV Channel

22, on LTV online, or on the LTV YouTube channel, and comments can be called in to 351-888-6331.

Our Planning Department staff and representatives from CityScape, the expert outside consultants the Town has engaged for wireless communications planning, will be there to present information and answer questions.

The Town Board cannot, as a whole, as has been suggested, attend an Oct. 18 meeting at the Springs Fire Department that has been arranged by Manny Vilar, the East Hampton Town Republican Party chair. There is a legal restriction regarding a board quorum -- but more importantly, the Town Board has an ongoing and open forum for dialogue and discussion with the public – at our 5 monthly Town Board meetings. Unfortunately, there has been much misinformation circulated about these topics, some of it perhaps politically motivated. Factual background information on the emergency communications, wireless cell coverage, and other issues, is provided to the public on the town website, at EHamptonny.gov.

Regarding the cell tower that the Springs Fire District had erected at the fire department property on Fort Pond Boulevard, the subject of a previous meeting at the firehouse, and of the one scheduled for Oct. 18:

The courts have ruled it was erected without required permits, and the Springs Fire District's efforts to seek Planning Board approval seem to have stopped. It has been close to 13 months since the Fire District has done any follow-up on their application.

This is a process that I encouraged the Fire District to engage in when I came into office as Supervisor in 2018, even while a lawsuit by the Fire District against East Hampton Town was pending. I met with the Chairman of the Board of Commissioners and their attorney to encourage them, in light of the pressing need for better cell service, to pursue an application in front of the Planning Board, putting the lawsuit aside without prejudice so that, depending upon how the litigation ended up, they wouldn't have lost more time in getting the tower approved.

It was a year and a half before fire department representatives actually submitted an application to the Planning Board, and it's been more than a year since the last review by the Planning Board, due to the failure of the District to provide additional required materials. I think at this point it would behoove the Fire District to push forward with their submissions and complete the process.

Due to recent code changes there are alternative configurations for a tower at the Springs Fire Department property that would allow for enhanced cellular communications without any variances being required.

There are some who are lobbying for me, as Town Supervisor, to make an emergency declaration and, under that order, to unilaterally approve the use of the Springs Fire District tower, or another that has been proposed at a different location on the Fire District property.

There are legal questions as to whether or not the Town Supervisor can declare an emergency to approve a tower in a specific location, which I have asked the town attorney to weigh in on.

Regardless of the legalities, I believe it is a dubious approach to try to get approval for a tower through such a process when there is a duly delineated town procedure that calls for the Planning Board to review all tower locations for compliance with town codes, and to hear from the public, before issuing, or declining to issue, an approval.

This democratic process insures that the general public has an opportunity to weigh in and have their voices heard either for or against a proposal.

I don't believe that a Town Supervisor should arbitrarily, or independently decide this matter by circumventing the legal process that is codified in our laws especially when controversy surrounds the issue.

We know there are areas with limited cell phone coverage throughout the town and we're working to resolve this problem by updating our wireless code and seeking to identify acceptable sites for these installations. Cellular service is provided by independent private corporations and to the degree that the Town can encourage wireless providers to improve service, we will do so.

By engaging CityScape, we've identified the areas where there are issues with both coverage and capacity. These issues are likely to grow with an increased demand for data and streaming services by our community members.

Pending updates to the Town Code and our Wireless Master Plan are designed to make it easier and more efficient for cell phone carriers such as Verizon or AT&T to add equipment sites in "dead zones," filling coverage gaps. These changes include revisions to the process by which approvals for cell sites can be obtained, removing a number of those procedures from Planning Board review and making them administrative where appropriate.

Changes in the minimum required setbacks from adjacent property lines just went into effect and will give the town and providers more flexibility in the siting of these services which we know are in great demand.

A townwide survey conducted by CityScape showed that almost 91 percent of the respondents townwide supported improved communications and new cell sites, over concerns for aesthetics. Unfortunately, we also know that that number changes drastically once a location has been proposed – and the percentage of neighborhood residents who approve of a new cell tower site goes down dramatically.

As with any complex community issue, vigorous public discussion and cooperative participation is needed to come up with solutions. I urge both the Springs Fire District and the cell phone companies to engage with the Town and our community and to do all that they can to help us address this issue.