A Hamilton County mountaintop in dispute

Can public safety be achieved without a constitutional amendment?

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Adirondack Explorer

Hamiton County Chairman Bill Farber hikes on Wednesday, June 17, up to the fire tower on Cathead Mountain in Benson. Photo by Gwendolyn Craig

At the southern end of Hamilton County, a radio dead zone has plagued emergency responders for years. Law enforcement cannot check license plates. Ambulance corps members cannot call a hospital.

After years of looking for ways to bolster communications in the area, a tower on Cathead Mountain in Benson appears to be the answer. The problem? It is surrounded by land where state law prohibits motorized vehicle use, a real challenge for building a tower, let alone maintaining or repairing one.

To build a road to the mountaintop, the county must cross about half of a mile of forest preserve, and to do that, two successive state Legislatures and approximately 19 million New Yorkers must vote to amend the state Constitution. If that wasn’t daunting enough, one of the leading environmental groups in the Adirondacks is not convinced a constitutional amendment is needed, though state agencies say it is.
Without a specific plan on paper comparing costs, planning a road and how the site would get power, the Adirondack Council is hesitant to back a constitutional amendment, said Communications Director John Sheehan.

**How many amendments?** About 2.6 million acres in the Adirondack Park are classified as forest preserve, and protected by the state Constitution’s “forever wild” provision in Article 14. The provision means exactly what it sounds like: “The lands of the state, now owned or hereafter acquired, constituting the forest preserve as now fixed by law, shall be forever kept as wild forest lands.” The provision has been amended 16 times between 1938 and 2017 via a public referendum.

“We are almost every year asked to amend the Constitution, the forever wild clause, for one reason or another,” Sheehan said. “Personally, I’ve seen 30 years of this. It is important for us to have a set of principles in place for when we think it’s appropriate to amend the Constitution, and how we go about doing that.”

Others agree Hamilton County should have more specifics, though most are in support of an amendment. There is no bill on the Legislature’s docket, but Hamilton County Chairman Bill Farber is hoping state lawmakers will vote this year to get the two- to three-year amendment process rolling.

“I have not given up hope,” Farber said.

**Safety issue**

Mike Tracy has worked in the emergency medical field for 22 years and is the assistant fire chief for the village of Speculator. Parts of Arietta, Wells, Benson and Hope are disturbingly silent, and we aren’t just talking cell service.

“You can’t hear anything down there,” Tracy said, about his emergency radio. “We can’t communicate with the fire departments. We can’t communicate with dispatch. ... The further south you get, the worse it gets for us.”

Auger Falls, a popular hiking destination, is a nightmare for first responders if there’s a call for help. The communication is so poor, Tracy said, they have to set up people every 30 to 40 feet on the trail to relay information.

*Hamilton County Sheriff Karl Abrams stands in front of the local jail on Wednesday, June 17 in Lake Pleasant. Photo by Gwendolyn Craig*
Hamilton County Sheriff Karl Abrams has responded to domestic incidents where he couldn’t let dispatch know his location.

“I’ve had DWI arrests where I couldn’t even tell my office I had somebody in custody,” Abrams said. “On a safety standpoint for law enforcement, EMS or fire, it’s not good.”

Don Purdy, director of the county’s emergency services, said they’ve tried radio repeaters to boost a signal and satellite phones. During last year’s Halloween storm, Purdy said the satellite phone signal was so poor he couldn’t finish dialing a call let alone complete one.

When talking about doing anything in the Adirondacks, there are a number of environmental groups to consult. So far, Farber is heartened that all have heard his plea and agree an emergency communications solution is needed. Now he is trying to figure out how to get it done.

**Why Cathead**

When it comes to communication for Adirondack communities, mountains are barriers.

The county is part of the Adirondack Regional Interoperable Communications Consortium, part of a statewide network to connect the emergency services of neighboring counties. Part of it involves radio towers set up all over the state, bouncing signals off of one other. They have to be in sight of an operable tower to communicate.

![New York State Regional Interoperable Communications Consortiums](image)

*Hamilton County is part of the Adirondack Regional Interoperable Communications Consortium for emergency response communication. Map courtesy of New York State Interoperable and Emergency Communications*
Most of Hamilton County’s townships are in bowls, Abrams said, and it’s hard to bounce signals into them. Another challenge for the county is that the state owns most of the mountaintops where towers can’t be built. So, privately owned, high-elevation land is valuable, if you can get private landowners on board.

Abrams said Cathead is the county’s last link. Between its location and height, it can bounce a signal off of their tower on East Mountain. The sheriff’s office in Lake Pleasant has a signal that bounces to Oak Mountain, then to East Mountain, then up to Blue Mountain. As part of the Adirondack consortium, the signal can continue traveling to Gore Mountain, which is also visible from Cathead Mountain.

If Hamilton County is able to get communications on top, Purdy said it would also help out Fulton County and Saratoga County emergency services, who are also struggling with poor communication at their northern ends.

The fire tower on Cathead Mountain includes radio transmissions for New York State Police and the state Department of Environmental Conservation. Photo by Gwendolyn Craig

The top of Cathead Mountain, including about 800 acres in the area, is privately owned by the Hatchbrook Sportsman’s Club. Nathan Clark, the club’s president, said Farber approached him about four years ago to talk about an emergency tower. The top is already home to a fire tower and limited radio equipment for the DEC and State Police.
Clark’s club has had a tumultuous experience owning the property. Made up of a close-knit group of friends between the ages of 43 and 84, the multi-generational club has owned the property since 1989. Back then, they had access to two rights-of-way to their hunting camp and an abandoned forest ranger cabin. But the entry points were owned by someone else, and a foreclosure process put the land in the state’s hands, thereby closing the roads.

For a while, Clark said, the club could get special state permits for motorized access to their camp site, but then the state did away with those in 2000. Members sued the state to regain motorized access but lost.

The fire tower had been open to the public, but a DEC fire tower report shows in 2000, “the trail was officially closed since the landowners withdrew their permission for the public to use the trail. Consequently, public access to the Cathead Mountain trail and fire tower is not allowed.”

In 2010, the club pursued their own attempt at a constitutional amendment in order to get motorized access to their campsite, but many environmental groups opposed and records show it did not make it past committees.

Clark and his friends and family use pulling ponies now to transport gear to the camp.

A member of the Hatchbrook Sportsman’s Club uses horses to get gear to the club’s hunting camp on the east side of Cathead Mountain in Benson. Photo courtesy of Nathan Clark
They’re not the only ones with creative transportation methods to get to the property.

Clark and the rest of the Cathead Mountain owners lease the fire tower to the State Police for radio transmission. To perform any maintenance or repairs, State Police fly a helicopter to the top and let off a technician on an old helicopter pad.

“It’s not accessible by ground, and it does not have commercial power to it, so it’s obviously not an ideal situation for us, but it’s powered by a combination of solar panels, wind turbine and a generator,” said Beau Duffy, spokesman for New York State Police. “Maintenance and repairs would be a lot simpler if there was road access.”

Road access would be simpler for the hunting club, too, but Clark said it’s more than that. Many of the club members are volunteer first responders, and they’re eager to help Hamilton County.

A topographical map showing the old entry points to the Hatchbrook Sportsman’s Club camp and the former forest ranger cabin on Cathead Mountain in Benson.

Another public benefit

One of the ways to do a constitutional amendment to the forever wild provision is through a land swap. Clark said, “what we’ve essentially agreed to to this point, the club is willing to give up — that’s a big word there — we’re willing to give up lot 172, lot 165 and lot 122, which comprises 480 acres. We’re willing to convey that to the state of New York for 80 acres.”
The 80 acres would be for the access road, which the club would be able to use, but it would also be used by the emergency services organizations. The public would also regain access to the fire tower, which Clark said his club closed because of disputes with the state.

“We would really like to be able to help the residents and the communities be able to use that again,” Clark added. “There will be some conservation easements on some of that stuff that we’re still trying to figure out. We’re not going to build any hotels or lodge, to hire out for hunting excursions. ... We got members in their 80s, 70s. I’m probably one of the youngest guys at 43. We want to be able to get back there in a safe manner.”

The 400 acres the club would hand over to the state brushes the Silver Lake Wilderness tract and is near the Northville-Lake Placid trail, making it a very desirable proposed swap for those with visions of opening the tower back up to the public and protecting more prime Adirondack land.

Besides the public safety aspect of this proposed amendment, Farber and many others want the public to hike Cathead Mountain. There could be plans down the line to connect the hike to the Northville-Lake Placid Trail, too.

“You can see forever and a day,” Clark said about the view from Cathead. “In my opinion, it’s one of the most beautiful spots to go and see the Adirondacks.”

One of the views from the fire tower on Cathead Mountain. Photo by Gwendolyn Craig

Peter Bauer, of Protect the Adirondacks, holds the same sentiment.

“Four hundred acres on the table and give the county an easement for the communications tower and the public an easement to the summit of the mountain, that’s pretty generous for the club,” Bauer said. “That’s, in our minds, when we talk about a global solution, those are all the pieces of it.”

**Disagreement**

Sheehan and the Adirondack Council issued a press release in May, announcing that Hamilton County could pursue other means to put an emergency communications tower on Cathead other than an amendment. The release irked a number of groups that were part of the conversation.
In an interview with *Adirondack Explorer*, Sheehan suggested some of those alternatives could be Hamilton County utilizing State Police’s helicopter or hiring a helicopter to do any maintenance needed on the mountaintop. He also suggested a road with a gate that only Hamilton County had access to.

In conversations with Farber, the Adirondack Council has suggested opening back up an old jeep road that forest rangers used to use. The council’s “administrative fix” suggestions raised legal questions for Farber and other environmental groups.

“The Adirondack Council is wrong,” said David Gibson, of Adirondack Wild: Friends of the Forest Preserve. “Who wants to see helicopters flying up that ridge? It’s practically in the Silver Lake Wilderness. Let’s eliminate helicopter use entirely, which is antithetical to wilderness environment. It’s also dangerous to have choppers fly up there all the time.”

Farber also worried about making repairs via helicopter in bad weather, when the emergency communications would likely be needed most.

The idea of opening up the jeep trail had Bauer concerned, too. After hiking the property, Bauer said both entryways would “necessitate a level of (tree) cutting that we believe violates the Constitution. We take that seriously, since we have been in court since 2013 trying to defend the trees on the forest preserve.”

The Court of Appeals has yet to decide on what tree cutting should look like in the Adirondacks, and Farber isn’t willing to take a chance on a quick fix that could have the county end up in court.

“It would be an easy thing for somebody to litigate, and the courts would likely conclude they were right,” Farber said.
“We are committed to resolving the access issues to Cathead Mountain in a way that is legally defensible,” the spokesperson added.

Bill Ingersoll, of Adirondack Wilderness Advocates, said he was glad the APA and DEC have denied the possibility of an “administrative fix.”

“The constitutional amendment process is tried and true, and if done right, the amendment clearly delineates who is giving up what, and who gets what, as opposed to monkeying with the state land master plan, and that so-called administrative fix,” Ingersoll said.

Still, Sheehan would like to see Hamilton County do more homework.

“Those alternatives may be too expensive or impractical,” Sheehan said. “If they are, then fine, but we need to explore that first before we make a decision. I think it’s important for us to be careful about that. The public has come to rely on the Adirondack Council for advice on this. Cases where we have gone out to heavily promote an amendment, it’s approved overwhelmingly. Generally if we’re not in favor, if we’re opposed, it’s very unlikely the Legislature would approve it to begin with.”

Former DEC Commissioner Joe Martens said the parties should come together and work out the details. He favors a constitutional amendment, but Martens said he understands why Sheehan wants to have everything on paper.

“Ultimately, if it goes before the voters of New York, they all know exactly what they’re giving up,” Martens said.

Farber said spending more money on an engineer and specific plan is a concern for the county, and some county board members feel enough has already been spent with nothing specific to show for it. Farber also feels there’s not much at stake for those opposed to a constitutional amendment if it were to pass one Legislature since it still has to pass again the next year.

“But there’s a big risk there for Hamilton County by not doing it,” he added.

Without those detailed plans or a bill, it’s hard to say how legislators will come back to Albany and vote on an amendment.

State Senator Todd Kaminsky, D-Long Island and Assemblyman Steve Englebright, D-Setauket, chair the two legislative bodies’ environmental committees. Englebright said he had not made a determination one way or another. Kaminsky said he was sympathetic to the emergency communications aspect.

“I’m in active discussions with the governor’s office, DEC, different environmental groups and Hamilton County offices,” Kaminsky added. “I’m hoping we’ll have a plan to resolve it soon.”

State Sen. Jim Tedisco, R-Glenville, represents Hamilton County. He called the issue “critically important.”

“We hope the Adirondack Council will stay at the table with Hamilton County officials and continue to discuss this public safety issue as we believe, based on our understanding from the APA and DEC, that there’s not an administrative fix for it and it needs to be done by a constitutional amendment,” Tedisco said.