

A regular meeting of the Elma Town Board was held on Wednesday, April 17, 2024, at 7:00PM at Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members present:

Supervisor	Wayne Clark
Councilman	Leroy Kupczyk
Councilman	Joseph Macaluso
Councilman	Daryl Nolan
Councilman	Tracy Petrocy-Absent
Also:	
Building Inspector	Joseph Colern
Highway Superintendent	Howard Diehl-Absent
Plant Manager	Brian Fiden
Town Attorney	Phyllis Todoro
Sewer Plants	Timothy Walczyk
Town Engineer	James Wyzykiewicz

Approximately 14 people attended the meeting.

The meeting was opened with the reciting of the Pledge of Allegiance.

Councilman Macaluso made the motion and Councilman Kupczyk seconded the motion to approve the minutes from the March 20, 2024, meeting. Ayes-4. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for March 2024 with 44 permits issued, \$12,167.73 fees collected and the estimated value of construction \$1,781,730.07. Mr. Colern would like to have Wendel Duchscherer quote a price to update the Zoning Map. Water Department Plant Manager Brian Fiden noted that the park restrooms are open and truck water loading is available for the summer at the Jamison Pump station.

Councilman Nolan made the motion and Councilman Kupczyk seconded the motion to approve a negative declaration on a short form SEQR for Ingredients Plus Logistics LLC at 6891 Seneca St, Elma NY. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to approve a Business Use Permit for Ingredients Plus Logistics LLC at 6891 Seneca St, Elma NY for transportation and distribution tankers facility with wash bays. The Building Inspector notes sign permit is required. Fire inspection required within 30 days. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to approve the following Wind Turbine Resolution: **WHEREAS**, approximately twelve million people live in the Lake Erie watershed, including seventeen metropolitan areas with more than 50,000 residents, an area shared between the United States and Canada, and Lake Erie provides drinking water for approximately 11 million of the inhabitants of this region, and **WHEREAS**, the Town of Elma, a town situated in Erie County and in the Lake Erie watershed, recognizes and values the importance of Lake Erie and continues to work diligently to safeguard and improve its own stewardship of Lake Erie and the Lake Erie Watershed, and **WHEREAS**, the Town of Elma has great concern that New York State and/or any authority, agency, commission, or department thereof might allow private and/or public entities to construct, place, position, and/or install, with or without permanent bases, pylons, piers, or similar structures, one or more wind turbines in the waters of Lake Erie, and **WHEREAS**, the Town of Elma has great concern that the fresh water of Lake Erie along with the overall health of Lake Erie, the wildlife that depends on Lake Erie, the wildlife that traverses Lake Erie, and the continuing restoration of Lake Erie will be placed at risk if wind turbines are constructed in the waters of Lake Erie, and **WHEREAS**, New York State has passed the Climate Leadership and Community Protection Act (the Climate Act) calling for 70 percent of electricity in the state to be produced by renewable resources by 2030, and 100 percent of the state's electricity be generated by renewable resources by 2040; and **WHEREAS** wind energy has been designated by the Climate Act as an essential form of renewable energy and there are a number of commercial wind energy facilities operating in Western New York, with more in the planning and permitting stages; and **WHEREAS**, New York State's power grid manager New York Independent Systems Operator (NYISO) has determined the Western New York zone of grid to be 89 percent free of carbon emissions in the generation of electricity, and **WHEREAS**, NYISO has described the lack of electricity transmission facilities capable of transmitting electricity from Western New York to downstate grid zones which are 90 percent dependent on fossil fuels for generating

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electricity, and **WHEREAS** the New York State Energy Research and Development Authority determined in 2022 that it's not the right time to consider constructing offshore wind facilities in Lake Erie, and **WHEREAS** the offshore wind industry is experiencing global difficulties related to inflation and supply line shortages as evidenced by the recent New York State Public Service Commission decision denying industry requests for higher power delivery rates, and **WHEREAS** the long-planned Lake Erie offshore wind energy project known as Icebreaker Wind near Cleveland, Ohio, has recently been suspended, and **WHEREAS** questions concerning offshore wind energy facilities in freshwater bodies remain unanswered such as these which are not included in the NYSERDA reports of 2011 and 2022 and including: + What assurances are there that toxic industrial wastes in the lakebed will not be disturbed to endanger safe drinking water and enter the food chain of Lake Erie's fish and bird species? +How would the placement of offshore wind turbines in Lake Erie affect the migratory pathways and behavior of economically important game fish? +What would be the impact on tourism of placing wind turbines in Lake Erie? + Specifically, how would offshore wind turbines in Lake Erie contribute to the emissions reduction goals of the Climate Act? + How would the radar interference created by offshore wind turbines in Lake Erie affect the safety of shipping, recreational boating, search and rescue operations, and international border security? + How would microplastics and toxic chemicals like BPA and PFAS emitted by wind turbines impact water quality and the ecology of Lake Erie? + How much oil and other petroleum products are contained within each offshore wind turbine and how would oil spills from wind turbines be mediated, and other maintenance performed during annual periods of ice coverage on Lake Erie? + How would noise and vibrations emitted by wind turbines impact the quiet enjoyment of Lake Erie by fishers, boaters and nearshore residents and visitors? + What are the effects of vibrations emitted by turbines on organisms living in the lakebed? + How would the blinking red lights atop each offshore wind turbine be reconciled with increased interest in preventing light pollution in dark skies?+ What would be the impact of placing offshore wind turbines in Lake Erie's migratory flyways of birds, bats, and butterflies? +What are the cumulative impacts of placing offshore wind turbines in Lake Erie given the already large concentration of onshore wind turbines along the Ontario shoreline and the elevations overlooking the lake in Chautauqua County? + What restrictions or no-go zones would be imposed on fishers and boaters in Lake Erie? + How would the Public Trust Doctrine which serves to protect the interests of all Western New Yorkers in a healthy Lake Erie be honored in the context of primary financial benefits to the offshore wind industry? + How would offshore wind turbines impact historic sites such as shipwrecks and lighthouses? + Would the rights of the Seneca Nation of Indians to administer water quality standards on the Cattaraugus Reservation be a consideration in placing offshore wind turbines in Lake Erie? + Would the high costs of offshore wind energy in Lake Erie be explained to Elma electricity ratepayers in terms of monthly increases to their utility electricity ratepayers in terms of monthly increases to their utility bills. + How would property values along the lake shore be impacted by viewsheds including offshore wind turbines and their industrial support and maintenance activities? And **WHEREAS** some of these questions cannot be answered, or would be cost prohibitive to address, and there are many documented examples of negative impacts of wind turbines on aquatic environments, and **WHEREAS** there are other alternatives which deserve significant consideration as possible future sources of power which do not negatively affect Lake Erie or other large bodies of water, **WHEREAS**, Congressman Nicholas A. Langworthy has voiced deep concern on the addition of Wind Turbines and introduced legislation to curb this negative development. H.R. 426, the *Lakes Before Turbines Act* would protect our environment and local economies from ill-conceived wind energy projects on these waters. **NOW THEREFORE BE IT RESOLVED** that the Elma Town Board declares that the Town of Elma opposes any efforts to introduce offshore wind turbines in the waters of Lake Erie, and calls for a moratorium on the development and/or construction of any wind turbines in the waters of Lake Erie, and **BE IT FURTHER RESOLVED** that the Elma Town Board supports Congressman Nick Langworthy's *Lakes Before Turbines Act* (H.R. 426) and urges its immediate consideration in Congress. **BE IT FURTHER RESOLVED**, that the Town Clerk shall forward a certified copy of this Town Board resolution to Honorable Governor Kathy Hochul, Honorable United States Congressman Nicholas Langworthy, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Senate Minority Leader Rob Ortt, Honorable Speaker of the Assembly Carl E. Heastie, Honorable Majority Leader of the Assembly Crystal People-Stokes, Honorable Minority Leader of the Assembly William A. Barclay, Honorable New York State Senator Patrick Gallivan, Honorable New York State Senator George Borrello, Honorable New York State Assemblyman Andrew W. Goodell,

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Honorable New York State Assemblyman David DiPietro, Honorable New York State Assemblyman Jon Rivera, and the Western New York Delegation of the New York State Senate and New York State Assembly, Erie County Executive Mark Poloncarz, Clerk of the Erie County and Chautauqua County Legislatures, Honorable Erie County Legislator John Mills, Honorable Erie County Legislator John Gilmour, Honorable Supervisors of the Towns of Evans, Silver Creek, Eden, Concord, Springville, North Collins, and Dunkirk, Honorable Mayor of the City of Lackawanna Annette Iafallo, and Honorable Mayor of the City of Buffalo Byron Brown. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Macaluso seconded the motion to approve the agreement with the Veterans of Foreign Wars #5861 in the amount of \$2,500 for 2024. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to approve the Elma Cemetery Association Inc agreement for use of the right-of-way turn around area maintained by the Town for a period of five (5) years. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion and Councilman Nolan seconded the motion to approve the Water Department summer hours of four (4) ten hours days from May 6<sup>th</sup>, 2024, till September 20, 2024, with a rotation for Friday is needed. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Macaluso seconded the motion to approve the website upgrade project for the Town and to hire Nick Fodero from WNY Networks. A quote from Evolve Technology Services was also reviewed. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Kupczyk seconded the motion to approve Skylighters fireworks for July 4<sup>th</sup>, 2024, at the cost of \$15,300. Ayes-4. Noes-0. Carried.

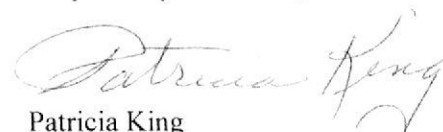
Councilman Kupczyk made the motion and Councilman Macaluso seconded the motion to approve Vouchers/Warrant #4 claim #203 thru #278 as follows: General Fund \$43,227.24; Highway Fund \$1,400.57; Water District \$14,014.75; Special District \$6,278.26; Capital Improvement project \$14,500. Ayes-4. Noes-0. Carried.

The next Work Session will be May 8, 2024, at 6:00pm and the Town Board meeting on May 15, 2024, at 7:00pm.

All have received the Planning, Zoning and Conservation Board agendas and minutes that apply.

Councilman Kupczyk made the motion and Councilman Nolan seconded the motion to adjourn the meeting at 7:25PM. All in favor. Carried.

Respectfully submitted,



Patricia King  
Elma Town Clerk