

A Meeting of the Mayor and Board of Trustees of the Village of Sloan was held on September 25, 2024, 5:30pm at the Village Municipal Building, 425 Reiman Street, Village of Sloan, County of Erie, and State of New York. Meeting called to order at 5:30pm.

Roll Call:

Mayor Thomas Ferrucci	Present
Trustee Paula Bruscani	Present
Trustee Michele Kramarsyck	Absent
Trustee Suzanne Tofthagen	Absent
Trustee Twan Evans	Present

Approval of Budget Modification #2 of the 2024/2025 General Fund Budget as follows:

From:	Amount	To:
1625.419 Community Center- M&R	36.30	1625.400 Community Center- Contractual
1990.400 Contingency	2,500.00	1440.401 Engineer- Contractual (Lovejoy)
INCREASE REVENUE (DR)		INCREASE APPROPRIATION (CR)
A3501 Consolidated Highway Aid	24,601.00	5112.205 Road Construct- Perm Improvement

Motion by Mayor Ferrucci, Second by Trustee Evans
 Ayes: Mayor Ferrucci, Trustee Bruscani, Trustee Evans
 Nays: None Absent: Trustee Kramarsyck, Trustee Tofthagen

Approval of Abstract 009 of the 2024/2025 General Fund Budget, vouchers 136 through 155 for a total payment of \$134,117.95.

Motion by Trustee Evans, Second by Mayor Ferrucci
 Ayes: Mayor Ferrucci, Trustee Bruscani, Trustee Evans
 Nays: None Absent: Trustee Kramarsyck, Trustee Tofthagen

Resolutions

2025-14 Wm. Schutt Change Order No. 1

Whereas, on May 14, 2019, the Village of Sloan (Owner) and Wm Schutt Associates (Engineer) entered into a professional services agreement which included Engineer’s performance of survey, base mapping, design, bidding, construction administration, and construction inspection services; and Whereas, on November 20, 2019, the New York State Environmental Facilities Corporation (NYSEFC) issued its acceptance of the professional services agreement stating that it is in compliance with applicable Clean Water State Revolving Fund (CWSRF) regulations and costs (totaling \$645,995.00) associated with providing said services were eligible for CWSRF financial assistance. In said agreement Engineer’s services were broken down into the following three (3) tasks:

Task Description	Estimated Fee
A Survey, base mapping, design, and construction administration	\$532,896.00
B Construction Inspection	\$99,899.00
C Reimbursable Expenses	<u>\$13,200.00</u>
Total Estimated Fee	\$645,995.00

Engineer’s fee and schedule to render said services were a product of a Sewer System Evaluation Survey (SSES) and Corrective Action Plan (CAP) report prepared by Engineer November 2019 and revised January 2020. Said report forecasted construction to be completed in three (3) years. From 2021 to date eight (8) separate sets of construction bid documents have been prepared. Seven (7) projects have been bid and awarded. Four (4) contracts have had construction started and completed. One (1) contract is currently under construction with final completion forecasted to occur June 2025 Whereas, as of August 31, 2024, Engineer’s Construction Inspection Services budget of \$99,899.00 has been exceeded. This is primarily attributable to four (4) factors:

1. Construction work is currently in year 4 with current construction project forecasted to be completed in June 2025 (year 5) – two (2) years beyond originally forecasted construction schedule.
2. Construction work spanned the COVID-19 pandemic which resulted in material delivery delays as well as spiraling material and labor costs.
3. First seven (7) projects were jointly bid and administered with the Town of Cheektowaga (TOC) using TOC annual contracts for various individual services. This process was particularly cumbersome and inefficient.
4. During the first 8 months of 2024 over \$54,000.00 in Construction Inspection Services have been rendered.

Now, Therefore Be It Resolved to amend the professional services agreement of May 14, 2019, as follows by

1. Increase Construction Inspection Services by \$50,000.00 to provide sufficient funds for Engineer to continue performing construction inspections through June 2025.

Original agreement amount:	\$ 645,995.00
Net change for prior amendments:	\$ 0.00
This amendment amount:	<u>+ \$ 50,000.00</u>
Adjusted Agreement amount:	\$ 695,995.00

2. Extend Engineer's time to provide services through June 2025
Change in time for services (days or date, as applicable): Engineer's services to continue to June 28, 2025

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. The Effective Date of the Amendment is September 26, 2024.

Motion by Trustee Bruscani, Second by Mayor Ferrucci

Ayes: Mayor Ferrucci, Trustee Bruscani, Trustee Evans

Nays: None

Absent: Trustee Kramarsyck, Trustee Tofthagen

2025-15 Schedule Public Hearing on the Adoption of Local Law 2024-2

Motion by Mayor Ferrucci, Second by Trustee Bruscani to schedule a Public Hearing on October 8, 2024 at 7:00pm for the review and possible adoption of Local Law No. 2 of 2024, entitled "Short-Term Rentals" thereby amending Village Code Chapter 455 "Zoning". Proposed amendment is available for review beginning October 3, 2024, in the Village Clerk's Office, 425 Reiman Street, Monday through Friday, 9:00am to 4:00pm and further, direct the Village Clerk to publish a Legal Notice of the Public Hearing in the official news publication of the Village of Sloan.

Ayes: Mayor Ferrucci, Trustee Bruscani, Trustee Evans

Nays: None

Absent: Trustee Kramarsyck, Trustee Tofthagen

2025-16 Support of CAWTILE- Citizens Against Wind Turbines in Lake Erie

WHEREAS, NY 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, 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.

WHEREAS, wind energy has been designated by the Climate Act as an essential form of renewable energy; and

WHEREAS, there are a number of commercial wind energy facilities operating in Western New York, with more in the planning and permitting stages; and

WHEREAS, NY 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; (5), 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 electricity; (6), and

WHEREAS, the New York State Energy Research and Development Authority determined in 2022 that this is not the right time to consider constructing offshore wind facilities in Lake Erie; (7), and

WHEREAS, the offshore wind industry is experiencing global difficulties related to inflation and supply line shortages as evidenced by the recent NY State Public Service Commission decision denying industry requests for higher power delivery rates: (8), and

WHEREAS, the long-planned Lake Erie offshore wind energy project known as Icebreaker Wind near Cleveland, Ohio, has recently been suspended (8a),

WHEREAS, questions concerning offshore wind energy facilities in fresh water bodies remain unanswered such as these which are not included in the NYSERDA reports of 2011 and 2022:

- + What assurances that toxic industrial wastes in the lake bed will not be disturbed to endanger safe drinking water and enter the food chain of Lake Erie's fish and bird species (9)
- + How would the placement of offshore wind turbines in Lake Erie affect the migratory pathways and behavior of economically important game fish (10)
- + What would be the impact on tourism of placing wind turbines in Lake Erie (11)
- + Specifically, how would offshore wind turbines in Lake Erie contribute to the emissions reduction goals of the Climate Act (12)
- + 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 (13)
- + How would microplastics and toxic chemicals like BPA and PFAS emitted by wind turbines impact water quality and the ecology of Lake Erie (14)
- + 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 (15)
- + How would noise and vibrations emitted by wind turbines impact the quiet enjoyment of Lake Erie by fishers, boaters and nearshore residents and visitors (16)
- + What are the effects of vibrations emitted by wind turbines on the organisms living in the lake bed (17)
- + How would the blinking red lights atop each offshore wind turbines be reconciled with increased interest in preventing light pollution in dark skies (18)

- + What would be the impact of placing offshore wind turbines in Lake Erie's migratory flyways of birds, bats and butterflies (19)
 - + 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 (20)
 - + 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 (21)
 - + 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 (22)
 - + Would the high costs of offshore wind energy in Lake Erie be explained to Town of Hamburg 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.
- Conclusion: Some of these questions cannot be answered, or would be cost prohibitive to address. There are many documented examples of negative impacts of wind turbines on both terrestrial and aquatic environments. There are alternatives such as small modular nuclear and hydropower, which deserve significant consideration as possible future sources of power and do not negatively affect Lake Erie or other large bodies of water.

NOW, THEREFORE BE IT RESOLVED:

The Village of Sloan opposes, at this time, any efforts to introduce offshore wind turbines in the waters of Lake Erie.

BE IT FURTHER RESOLVED, that Village of Sloan 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 Village Clerk shall forward an email copy of this Board resolution to:

Honorable Governor Kathy Hochul: melissa.bochenski@exec.ny.gov

Honorable United States Congressman Nicholas Langworthy:

repnicholaslangworthy@mail8.housecommunications.gov

Honorable Senate Majority Leader Andrea Stewart-Cousins: scousins@nysenate.gov

Honorable Senate Minority Leader Rob Ort: ortt@nysenate.gov

Honorable Speaker of the Assembly Carl E. Heastie: speaker@nysenate.gov

Honorable Majority Leader of the Assembly Crystal People-Stokes:

peoplesc@nyassembly.gov

Honorable Minority Leader of the Assembly William A. Barclay: barclayw@nyassembly.gov

Honorable New York State Senator Patrick Gallivan: gallivan@nysenate.gov

Honorable New York State Senator George Borrello: borrello@nysenate.gov

Honorable New York State Assemblyman Andrew W. Goodell: goodella@nyassembly.gov

Honorable New York State Assemblyman David DiPietro: dipietro@nyassembly.gov

Honorable New York State Assemblywoman Monica Wallace: wallacem@nysassembly.gov

Honorable New York State Assemblyman Jon Rivera: riverajd@nyassembly.gov

Honorable Erie County Executive Mark Poloncarz: county.executive@erie.gov

Honorable Erie County Legislator John Mills: john.mills@erie.gov

Honorable Erie County Legislator John Gilmour: john.gilmour@erie.gov

Honorable Mayor of the City of Lackawanna Annette Iafallo: mayor@lackawannany.com

Honorable Mayor of the City of Buffalo Byron Brown: bbrown@city-buffalo.com

Motion by Trustee Bruscani, Second by Trustee Evans

Ayes: Mayor Ferrucci, Trustee Bruscani, Trustee Evans

Nays: None

Absent: Trustee Kramarsyck, Trustee Tofthagen

Executive Session

Motion by Mayor Ferrucci, Second by Trustee Evans to enter into executive session at 6:13pm for matters pertaining to employment of a specific individual and the Department of Public Works vacant position.

Ayes: Mayor Ferrucci, Trustee Bruscani, Trustee Evans

Nays: None

Absent: Trustee Kramarsyck, Trustee Tofthagen

Motion by Mayor Ferrucci, Second by Trustee Evans to adjourn executive session at 6:53pm.

Ayes: Mayor Ferrucci, Trustee Bruscani, Trustee Evans

Nays: None

Absent: Trustee Kramarsyck, Trustee Tofthagen

Work Session

Lovejoy property appraisal
Community Solar presentation

Adjournment

Motion by Mayor Ferrucci, Second by Trustee Evans to adjourn meeting at 7:09pm.

Ayes: Mayor Ferrucci, Trustee Bruscani, Trustee Evans

Nays: None

Absent: Trustee Kramarsyck, Trustee Tofthagen

Respectfully Submitted,

Debra M. Smith
Village Clerk/Treasurer