

OCTOBER 7, 2008

ECONOMIC DEVELOPMENT COMMITTEE  
REPORT NO. 15

ALL MEMBERS PRESENT EXCEPT LEGISLATOR RATH.

1. RESOLVED, the following item is hereby received and filed:

a. COMM. 19M-13 (2008)  
**NFTA:** NFTA Board Minutes for Meeting Held on August 25, 2008  
(4-0)

2. INTRO 19-8 (2008)  
**KONST, KENNEDY, MILLER-WILLIAMS & WROBLEWSKI AS AMENDED**  
WHEREAS, Article X of the Public Service Law provided a streamlined siting permit procedure for certain power generation facilities; and

WHEREAS, this law expired on December 31, 2002; and

WHEREAS, since that time, no new power generation facilities have been built within New York State, with the exception of wind energy generation facilities commonly known as wind-farms; and

WHEREAS, wind farms have been sited via local zoning and the review of the New York State Department of Environmental Conservation (DEC); and

WHEREAS, currently, there are various proposals that have been put forth by the Governor and the members of the State Legislature that would renew and revise Article X of the Public Service Law; and

WHEREAS, provisions within these proposals would preempt local authority over the siting of wind-farms in favor of the "stream-lined" state siting policy for all energy generation facilities that does not take into account the unique role local governments play in the siting of these important projects; and

WHEREAS, as proposed, an energy facility siting board, which does not include any locally elected officials, may ignore any local law (including zoning laws) they choose, giving local governments virtually no role in the siting process of any energy generation facility that will be placed within their jurisdictions; and

WHEREAS, development of renewable energy and associated businesses, including large scale and small scale wind energy, the cultivation of willow, switch grass and other bio-mass raw materials, ethanol and bio-diesel processing, alternative fuel filling stations, waste-to-energy methane facilities and bio-fuel engine conversion shops are showing great potential for growth; and

WHEREAS, renewable energy can replace and supplement traditional energy sources, lessening the nation's dependence on foreign oil; and

WHEREAS, without a comprehensive, statewide energy policy in place that takes into account the unique needs of every level of government and provides a local voice to the siting of energy generation facilities, all levels of government will continue to see their budgets, and the budgets of their citizens, weaken under the strain of ever-increasing energy costs.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature call on Governor David A. Paterson and the members of the State Legislature to provide local governments with a voice in the siting of all types of energy generation facilities as the negotiations over the reauthorization of Article X of the Public Service Law continues; and be it further

RESOLVED, that specific issues that must be addressed as part of the ongoing negotiations include:

- requiring the inclusion of a local government official as a member of the facility siting board;
- preserving the 50% municipal use set aside from required applicant intervener funds to assist with local efforts to argue against facility siting;
- requiring the state siting board to negotiate a community host agreement on behalf of the host municipalities to protect local infrastructure;
- requiring the state siting board to take into consideration local land use policies in their siting decision; and be it further

RESOLVED, that this Honorable Body urge the New York State Energy Planning Board to consider local issues as they prepare the State's new energy plan including but not limited to:

- allowing counties to charge impact/mitigation fees to offset damages such as infrastructure stress and advanced emergency training caused by energy generation construction or resource exploration;
- easing state purchasing regulations for counties procuring "green" products which may not exceed low bid standards;
- increasing incentives for local governments to switch to alternative fuel fleets and green power buildings; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor Paterson, the WNY Delegation of the NYS Legislature and all others deemed necessary and proper.  
(4-0)

3. INTRO 19-9 (2008)

**KONST, KENNEDY, WROBLEWSKI & REYNOLDS AS AMENDED**

WHEREAS, individuals and businesses in rural New York State lacking high speed Internet access have become largely disenfranchised as full and active participants in today's economy and have reduced access to educational and government services as compared with their urban and suburban counterparts; and

WHEREAS, while access to both cable and digital subscriber line (DSL) service is available in nearly every urban and suburban community, many rural sections of the State have been cut out of this type of access due to the economies of scale that negatively impact the placement of updated phone and cable lines in areas of lower population; and

WHEREAS, as web access to all kinds of services, including those provided by every level of government, employment listings and web-based business expansion continue to grow, it is imperative that rural New York be provided with high-quality, high-speed access to the Internet.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature urge the Governor and Legislative Leaders to advance legislation that will assist in providing rural communities in New York State access to advanced telecommunication services; and be it further

RESOLVED, that this Honorable Body ask that State leaders direct the New York State Department of Public Service, the Office for Technology and the Empire State Development Corporation to develop a statewide telecommunications policy that:

- encourages the development of infrastructure supporting the expansion of broadband Internet and cellular phone service in rural regions of the State;
- stimulates competition among Internet service providers to reduce costs to both business and residential users statewide;
- expands free access to wireless broadband in public facilities; and be it further

RESOLVED, the expansion of grant programs such as the Empire State Development Corporation's "Wired Buildings" program should be expanded with specific funding outlays for rural broadband development; and be it further

RESOLVED, that certified copies of this resolution be conveyed to Governor David A. Paterson, the WNY Delegation to the NYS Legislature and all others deemed necessary and proper.  
(4-0)

**TIMOTHY M. KENNEDY  
CHAIR**