

RESOLUTION NO. 46A

TITLE: RESOLUTION IN OPPOSITION OF PART "O" OF THE GOVERNORS ARTICLE VII REVENUE BILL REGARDING THE SITING OF MAJOR ELECTRIC TRANSMISSION FACILITIES, ALSO KNOWN AS THE "RAPID" ACT

OFFERED BY: Donald Airey, Who moved its adoption.

SECONDED BY: John Leavitt, Rules & Legislation Committee

WHEREAS, New York Governor Hochul has released the Executive Budget Proposal for Fiscal Year 2025, which includes Part O of the Transportation, Economic Development, and Environmental Conservation budget bill entitled the Renewable Action through Project Interconnect and Deployment ("RAPID") Act; and

WHEREAS, the RAPID Act seeks to move the Office of Renewable Energy Siting ("ORES") from the Department of State to the Department of Public Service, and seeks to consolidate and expedite permitting procedures for major renewable energy and electric transmission facilities under a new Article VIII of the Public Service Law; and

WHEREAS, if passed, the RAPID Act will undermine sound environmental review of major electric transmission facilities by requiring ORES to render a permit decision within a single year, otherwise the facility shall be automatically approved, regardless of project size or impact on private property or conservation lands; and

WHEREAS, if passed, the RAPID Act will constitute a significant deprivation of Private Property Rights by extended the power of Eminent Domain to the construction of major electric transmission facilities by large-scale solar and wind developers, said power being currently limited to regulated utilities granted a certificate of environmental compatibility and public need; and

WHEREAS, if passed, the RAPID Act will undermine the protection of natural resources by allowing conservation easements to be extinguished anywhere in the state, including the Adirondack Park and Catskill Parks, for the construction of major electric transmission facilities by large-scale solar and wind developers, said authority being currently limited to regulated utilities granted a certificate of environmental compatibility and public need; and

WHEREAS, if passed, the RAPID Act will further erode home rule and local decision-making enshrined in the New York State Constitution, Local Government Bill of Rights, Statute of Local Governments, and Municipal Home Rule law, usurping the rights of local governments to determine how communities and property within their jurisdictions develop, and contravening the purpose of comprehensive planning outlined in Section 272-A of Town Law; now therefore be it

RESOLVED, The County of Schoharie strongly opposes the passage of Part O contained in the Governor's Article VII Revenue Bill relating to the expedited siting of major electric transmission facilities, the use of Eminent Domain, and the extinguishing of conservation easements, and be it further,

RESOLVED, The Schoharie County Towns of Blenheim, Gilboa and Sharon have already been forced, via Eminent Domain proceedings and / or Article X proceedings, to host the 1200 mW, NYPA Blenheim-Gilboa Renewable Energy Hydro Pumped Storage Project with a FERC Identified hi-risk dam over the Schoharie Valley while the Town of Sharon has been forced to host a 50mW Article X Solar Renewable Energy Project sited on the irreplaceable prime agricultural lands that also negatively impacts Agri-Tourism Investments in Schoharie County.

RESOLVED, The County of Schoharie calls on the Governor of New York, members of the State Senate, and members of the State Assembly to ensure that Part O, and particularly the offending provisions identified herein, be excluded from the New York State budget or any other legislation, and be it further,

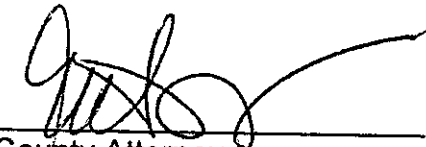
RESOLVED, The County of Schoharie opposes state or federal action that would weaken or eliminate New York's long-standing tradition of Home Rule and local government authority; and be it further,

RESOLVED, the Clerk of the Board of Supervisors is hereby directed to provide a copy of this resolution to Governor Kathy Hochul, Lieutenant Governor Antonio Delgado, members of the State Senate, members of the State Assembly, the New York State Association of Counties, the New York State Association of Towns, the Inter-County Association of Western New York, and all others deemed necessary and proper.

Dated: April 1 2024
Filed: April 1 2024


Clerk-Board of Supervisors

APPROVED AS TO FORM AND LEGALITY.

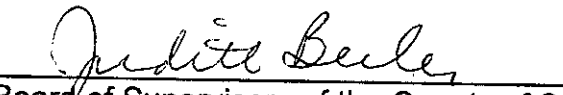

County Attorney

STATE OF NEW YORK
COUNTY OF SCHOHARIE ss:

I, the undersigned, Clerk of the Board of Supervisors of the County of Schoharie, New York, DO HEREBY CERTIFY that I have compared the above copy of a resolution with the original resolution adopted by the Board of Supervisors of said County on the 1st day of April 2024, at a regular meeting of said Board and said copy is a true copy of said resolution and of the whole thereof.

I, FURTHER CERTIFY, that at the time said resolution was adopted said Board was comprised of 16 members, with total weighted vote of 2974 and votes were cast as follows: Yes 2622, No, 0, Absent 352, Youmans

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of said Board this 1st day of April, 2024.


Clerk,
Board of Supervisors of the County of Schoharie