
MEMORANDUM



TOWN OF ORCHARD PARK
4295 SOUTH BUFFALO STREET
ORCHARD PARK, NY 14127
(716) 662-6410
TOWN CLERK'S OFFICE

May 17, 2024

Enclosed please find the Town of Orchard Park's certified resolution opposing Part O of the Governor's 2024 Article VII Revenue Bill regarding the siting of major electric transmission facilities, also known as the "RAPID" Act for your review and consideration. Please share this with all others deemed necessary and proper.

Regards,

A handwritten signature in blue ink that reads "Jennifer Brady".

Jennifer Brady
1st Deputy Town Clerk



TOWN OF ORCHARD PARK

S 4295 South Buffalo Street Orchard Park, New York 14127-2609

New Business #2 Approve the resolution opposing Part O of the Governor's 2024 Article VII Revenue Bill regarding the siting of major electric transmission facilities, also known as the "RAPID" Act.

SUPERVISOR
EUGENE MAJCHRZAK

COUNCILMEMBER
JOSEPH LIBERTI

COUNCILMEMBER
SCOTT HONER

COUNCILMEMBER
JULIA MOMBREA

COUNCILMEMBER
JOHN MARIANO

TOWN CLERK
INTERIM PLANNING
COORDINATOR
REMY C. ORFFEO

TOWN ATTORNEY
TIMOTHY D. GALLAGHER

TOWN JUSTICES
MICHAEL J. PASTRICK
JORGE DE ROSAS

SUPT. OF HIGHWAYS
ANDREW SLOTMAN

CHIEF OF POLICE
PATRICK FITZGERALD

SENIOR CENTER DIRECTOR
MARIA GALLEY

COORDINATOR COMMUNITY
ACTIVITY CENTER
SUE HEMINGWAY

BUILDING INSPECTOR
TOM MINOR

TOWN ASSESSOR
NANCY KENLON

TOWN ENGINEER
WAYNE L. BIELER, P.E.

DIRECTOR OF RECREATION
KRISTIN WELCH

ANIMAL CONTROL OFFICER
ELIZABETH BERTOZZI

3) THE FOLLOWING RESOLUTION WAS OFFERED BY COUNCILMEMBER MARIANO, WHO MOVED ITS ADOPTION, SECONDED BY COUNCILMEMBER LIBERTI, TO WIT:

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, that Orchard Park 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, that Orchard Park 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

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provisions identified herein, be excluded from the New York State budget or any other legislation, and be it further

SUPERVISOR
EUGENE MAJCHRZAK

RESOLVED, that Orchard Park 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

COUNCILMEMBER
JOSEPH LIBERTI

COUNCILMEMBER
SCOTT HONER

RESOLVED, that the Clerk of Orchard Park 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.

COUNCILMEMBER
JULIA MOMBREA

COUNCILMEMBER
JOHN MARIANO

The resolution was unanimously adopted.

TOWN CLERK
INTERIM PLANNING
COORDINATOR
REMY C. ORFFEO

TOWN ATTORNEY
TIMOTHY D. GALLAGHER

STATE OF NEW YORK }
COUNTY OF ERIE }
TOWN OF ORCHARD PARK }

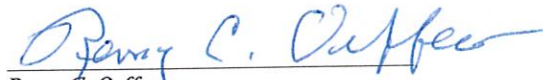
TOWN JUSTICES
MICHAEL J. PASTRICK
JORGE DE ROSAS

This is to certify that I, Remy C. Orffeo Town Clerk of the Town of Orchard Park, in said County of Erie, have compared the foregoing copy with the original resolution now on file in this office, and which was passed by the Town Board of the Town of Orchard Park, on the 15th day of May 2024 and that the same is a correct and true transcript of such original resolution and the whole thereof.

SUPT. OF HIGHWAYS
ANDREW SLOTMAN

IN WITNESS WHEREOF, I have set my hand affixed the seal of said Town this 16th day of May 2024.

CHIEF OF POLICE
PATRICK FITZGERALD



Remy C. Orffeo
Town Clerk

SENIOR CENTER DIRECTOR
MARIA GALLEY

COORDINATOR COMMUNITY
ACTIVITY CENTER
SUE HEMINGWAY

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