



# The Chairman's Corner

by

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## HOME RULE

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At its regular June 9 monthly meeting, the Columbia County Board of Supervisors voted unanimously on a resolution supporting the Town of Copake's opposition to the construction of Hecate Energy's Shepherd's Run Solar Facility, a utility-scale solar plant capable of generating 60 megawatts of energy to be sited on private farmland in the hamlet of Craryville.

This action was taken based on New York State's Municipal Home Rule Law, which Columbia County supervisors have strongly supported in concept and in their actions over the years. No supervisor from another town would put themselves in the position of attempting to tell other towns what to do within their borders.

The Shepherd's Run project, according to its website, would comprise some 900 total acres, with the solar footprint sited on 255 acres. The Town of Copake's zoning law limits the size of solar projects to no more than 10 acres, as the town seeks to protect prime farmland. Indeed, one of the provisions of the Municipal Home Rule Law is "protection of its physical environment."

Furthermore, Columbia County is an agricultural community.

Hecate Energy now intends to transfer its application for the project to Section 94-c of the Executive Law and seek approval from the NYS Office of Renewable Energy Siting, a more streamlined process that accelerates the permitting process to the detriment of local towns. In addition, Section 94-c is exempted from the State Environmental Quality Review Act (SEQRA). All of this ignores the principles behind, and the law supporting, Home Rule.

I'm not here to debate the merits of renewable energy. The issue here, instead, is the state Office of Renewable Energy Siting and its seeming willingness to deploy regulations that are in seeming violation of state law in its consideration of the Hecate Energy proposal.

The question for today remains, why is Home Rule so important to the operation of local government?

A thumbnail example. Let's say your neighbor decides he'd like to - without your okay -- raise pigs in your front yard. He can't do that! But then, along comes a higher governmental authority that has determined the raising of pigs is a desired activity in your region, and, in spite of having by law previously established that your property is free from such a threat, suddenly is not.

In terms of county government, the ability of individual towns to develop their regulations and laws flows directly from their residents. In turn, the principles of Home Rule play a large role in the consideration and respect towns have for each other's laws and respective situations. All of this helps contribute to Columbia County's strength within its towns and at the county level.