

TOWN OF COPAKE

RESOLUTION

Number 18 of June 11, 2026

To Authorize the Town of Copake to Participate as a Petitioner in Litigation Challenging Regulations Implementing the RAPID Act and Authorizing the Town Supervisor to Execute All Necessary Documents

WHEREAS, Article IX of the New York State Constitution and the Municipal Home Rule Law recognize and protect the authority of local governments to govern local affairs and protect the health, safety, and welfare of their residents; and

WHEREAS, the Town of Copake has long exercised its land use authority through duly adopted comprehensive planning, zoning regulations, environmental review, agricultural protection measures, and other local laws intended to preserve the Town's rural character, natural resources, agricultural economy, scenic vistas, historic resources, and quality of life; and

WHEREAS, the Town contains significant agricultural lands, environmentally sensitive resources, wetlands, streams, wildlife habitat, and portions of the Taconic Creek watershed that contribute to the environmental health and economic vitality of the community and surrounding region; and

WHEREAS, the Copake Town Board has a responsibility to protect the Town's environmental resources, agricultural lands, drinking water resources, and the health, safety, and welfare of its residents; and

WHEREAS, the State of New York enacted the Renewable Action through Project Interconnection and Deployment Act ("RAPID Act"), which transferred permitting authority for major renewable energy transmission facilities to the Office of Renewable Energy Siting (ORES); and

WHEREAS, the Town Board is concerned that certain RAPID Act provisions may inadequately protect municipal interests, environmental resources, meaningful public participation, local land use considerations, and the ability of affected communities to participate effectively in siting proceedings; and

WHEREAS, the Town has direct experience with the review of a proposed utility-scale renewable energy facility, Shepherd's Run, and has actively participated in administrative proceedings concerning the protection of agricultural lands, community character, visual resources, environmental resources, groundwater, wetlands, wildlife habitat, and other matters of local concern; and

WHEREAS, the Town of Copake has devoted substantial municipal resources to participating in renewable energy siting proceedings before ORES and has consistently sought to ensure that

local laws, comprehensive planning objectives, agricultural protection policies, environmental resources, and community character concerns receive meaningful consideration during the review of Shepherd's Run; and

WHEREAS, the Town Board is concerned that the regulations implementing the RAPID Act may insufficiently protect the role of municipalities in the siting process, may inadequately account for local laws and local conditions, and may diminish opportunities for meaningful participation by affected local governments and residents; and

WHEREAS, the Town Board finds that clarification by the courts regarding the legality and validity of the RAPID Act regulations is necessary to ensure that state permitting processes remain consistent with statutory requirements, principles of administrative law, and the legitimate interests of local governments throughout New York State; and

WHEREAS, the Town Board finds that the regulations implementing the RAPID Act may materially affect the Town's governmental interests, including its ability to protect local environmental resources, agricultural lands, community character, and the health, safety, and welfare of its residents; and

WHEREAS, American Land Rescue Fund and other parties have commenced or intend to commence a proceeding pursuant to Article 78 of the New York Civil Practice Law and Rules challenging the legality and validity of regulations promulgated pursuant to the RAPID Act; and

WHEREAS, the Town Board has determined that participation in such litigation is in the public interest and is reasonably necessary to protect the Town's governmental, environmental, and proprietary interests and those of its residents; now, therefore,

It is hereby **RESOLVED**, that the Town Board of the Town of Copake hereby finds and determines that participation in the Article 78 proceeding challenging the regulations implementing the RAPID Act serves a valid public purpose and is in the best interests of the Town and its residents; and

It is hereby **FURTHER RESOLVED**, that the Town of Copake is hereby authorized to join and participate as a petitioner in the Article 78 proceeding brought by or in conjunction with American Land Rescue Fund challenging the regulations promulgated pursuant to the RAPID Act; and

It is hereby **FURTHER RESOLVED**, that the Town Supervisor is hereby authorized and directed, on behalf of the Town of Copake, to execute and verify any petition, verification, authorization, affidavit, certification, stipulation, pleading, notice, or other document necessary or appropriate to effectuate the Town's participation in such litigation; and

Roll Call Vote The foregoing Resolution, offered by Councilperson _____ and seconded by Councilperson _____ was duly put to a roll call vote as follows:

Resolution No. 18
Dated June 11, 2026
Copake, New York

Roll Call Vote:

Supervisor Wolf
Councilperson Gansowski
Councilperson Gabaccia
Councilperson Haight
Councilperson Morningstar

Lynn DeRocha, Town Clerk

(seal)

June 11, 2026

Town Clerk
Town of Copake