



NEW YORK STATE SENATOR

Robert G. Ortt

Ortt, Morinello: Localities Deserve Say in Local Projects

ROBERT G. ORTT June 6, 2019

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Today, Senator Rob Ortt (R,C,I,Ref-North Tonawanda) and Assemblyman Angelo J. Morinello (R,C,I,Ref-Niagara Falls) called for local representation to be placed on the Bear Ridge Solar Project siting board before the project moves forward. The legislators are questioning why the Senate Majority leader and the Speaker of the Assembly failed to appoint ad hoc members to the siting board of the proposed Bear Ridge Solar Project.

Under state law, each municipality may nominate four individuals to the project siting board. From the list, the State Senate and Assembly are granted the first opportunity to appoint one community member each to a project siting board under the Article 10 law. The governor is given the opportunity to do so should the Legislature not act within the allotted time frame. If the governor also fails to appoint two community members in the outlined time frame, a quorum of the five permanent members, who are all appointed by the governor, may meet and make a decision on the project.

“By failing to select a local representative to these siting boards, the Legislature and Governor are taking local input out of the equation,” said Sen. Ortt. “It is unacceptable for the leaders of the Assembly and Senate to neglect their responsibilities in selecting local representation to these boards, and they are complicit in adding to the overreach demonstrated by Gov. Cuomo and his administration.”

“The Article 10 law takes local control away from municipalities thereby leaving all authority to the state. The provision to appoint community members was a vehicle to have some local input, however, failure to appoint community members presents a situation where the decisions that affect a local community are being made without any consideration to the local community,” said Assemblyman Angelo J. Morinello (R,C,I,Ref-Niagara Falls).

The host municipalities of Bear Ridge – Cambria and Pendelton – submitted nominations on February 12 and 28 respectively. Neither the Senate Majority Leader or Speaker of the Assembly made appointments in the 30-day limit. This triggered a 45-day period for the governor to make appointments, but this deadline was not met and passed. This means the Bear Ridge siting board may proceed without any local representation.

Currently, there are 25 projects that have moved past the first step of the Article 10 process and are in the ad hoc phase; however, 19 of them lack local representation by way of the two local members selected by the Legislature.

“The lack of appointments by the Leaders of both houses is not a simple mistake,” said Sen. Ortt. “This is a pattern of negligence done in order to minimize the voice of local opposition and to push unpopular projects on communities across the state. With regard to Bear Ridge, the governor is more concerned with building solar energy facilities to meet his green energy goal, and does not care what the local population thinks.”

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