

Robert J. Bondi
PUTNAM COUNTY EXECUTIVE
40 Gleneida Avenue
Carmel, New York 10512
Tel. (845) 225-3641



John G. Tully
Deputy County Executive

June 15, 2009

Mrs. Chris Marrone, Clerk
Putnam County Legislature
40 Gleneida Avenue
Carmel, New York 10512

LEGISLATURE
PUTNAM COUNTY
CARMEL, NY
2009 JUN 15 PM 3:52

RE: Resolution #155 of 2009

Dear Mrs. Marrone:

Please be advised that I am neither signing nor vetoing Resolution #155 of 2009 as I believe that it hampers my goal of protecting the health and safety of the residents in and around the Peekskill Hollow Road area.

First, the adoption of this resolution, which seems to be contrary to prior Resolutions 169 of 1999, 268 and 314 of 2005 and 155 of 2008.

Specifically, in Resolution 169 of 1999, the Legislature approved the "reconstruction of Peekskill Hollow Road (CR21) from Oscawana Lake Road (CR 20) to Route 301 and the Bridge Rehabilitation of Peekskill Hollow Road over Peekskill Hollow Creek (BIN 3345640) in the Towns of Putnam Valley and Kent in Putnam County" and in Resolution 268 of 2008, the Legislature issued a negative declaration for this project after examining the Short Environmental Assessment Form and all relevant environmental information concerning this project, as well as the Design Report which had been approved by the New York State Department of Transportation. As there have been no substantial changes in circumstances since the adoption of said resolutions, it is curious to me as to why the Legislature would now change its position on this matter.

Second, the New York State Highway Law imposes upon a County Superintendent of Highways the non-delegable duty to maintain the County's roads and highways in a reasonably safe condition, and in so doing, he is obligated to insure that they are improved and maintained as provided by law. Thus, the County Legislature may not legally substitute its judgment for that of the Commissioner of Highways in determining what portions of County roadways will be improved and/or repaired.

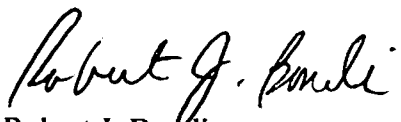
Additionally, as the Legislature is well aware, the Peekskill Hollow Road project is funded through the New York State Department of Transportation, by utilizing Federal funds provided pursuant to the Transportation Equity Act for the 21st Century. In connection with said funding,

the County entered into a Master Agreement with New York State (Comptroller's Contract No. D017643) which outlined the project as "Peekskill Hollow Road from Bryant Pond Road to Route 301". This Agreement provides that, in the event that the County withdraws its approval of the project, suspends or delays work on the project, or takes any other action contrary to the Agreement, it will lose all federal participation for the costs incurred on the project. Furthermore, it provides that the County would be obligated to refund the State all funds already received, as well as all project-related costs incurred by the New York State Department of Transportation. As such, any alteration to the plans for the project would jeopardize the County's entitlement to the funds, and would further obligate the County to refund a significant sum of money to the Federal government.

Finally, and most importantly, a great deal of statistical information and data has been collected with respect to the many severe and deadly accidents which have occurred along Peekskill Hollow Road, and in fact, indicates that almost all accidents involving fatalities occurred on that stretch of Peekskill Hollow Road which was not included in this resolution. I believe that this historical data is too important to ignore, and that the project must therefore remain as originally designed and approved, with that portion of the road between Oregon Corners and Adams Corners being commenced as Phase I.

For the reasons stated above, I will neither veto nor sign Resolution #155.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Bordini".

Robert J. Bordini
County Executive

RJB/mf

PUTNAM COUNTY LEGISLATURE

Resolution #155

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Regular Meeting held on June 2, 2009.

page 1

APPROVAL/RURAL HISTORIC PEEKSKILL HOLLOW ROAD PROJECT

Whereas, Putnam County had planned a project for reconstruction of Peekskill Hollow Road under PIN # 8757.48 that was previously considered by the Putnam County Legislature; and

Whereas, due to the comments received at the public hearings the project was scaled back to cover only the portion of Peekskill Hollow Road from Adams Corners to Oregon Corners; and

Whereas, by resolution 314 of 2005 the Putnam County Legislature declared itself to be Lead Agency for the project hereby establishing Putnam County the responsible party for the SEQR review process; and

Whereas, the Putnam County Legislature hereby declares the intent of the Legislature to consider the current project as the only project and covers the portion of Peekskill Hollow Road from Adams Corners to Oregon Corners; and

Whereas, the Putnam County Legislature through the Physical Services Committee has designated the project as the Rural Historic Peekskill Hollow Road Project with boundaries between Adams Corners and Oregon Corners; and

Whereas, this is the only project that will be considered for further funding and that there is no intent for any phased projects to expand this project by any geographic boundaries, and that the Putnam County Legislature emphatically states the importance of recognizing the historic and scenic value of the Peekskill Hollow Road; and

Whereas, the Putnam County Legislature reaffirms its position that the Rural Historic Peekskill Hollow Road Project from Adams Corners to Oregon Corners is the only part of Peekskill Hollow Road that is being considered for improvements; and

Vote:

State Of New York

ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on June 2, 2009.

Dated: June 4, 2009

Signed: _____

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

PUTNAM COUNTY LEGISLATURE

Resolution #155

Introduced by Legislator: Mary Ellen Odell on behalf of the Physical Services Committee at the Regular Meeting held on June 2, 2009.

page 2

Whereas, the scope of those improvements being considered for revitalization of Peekskill Hollow Road with needed drainage improvements and two bridge replacements is in the delineated section between Adams Corners and Oregon Corners; now therefore be it

Resolved, that the Putnam County Legislature reiterated its position that the current project is the only project and covers the portion of Peekskill Hollow Road from Adams Corners to Oregon Corners; and further be it

Resolved, that no part of Peekskill Hollow Road from Adams Corners to Route 301 in the Town of Kent has been approved for reconstruction; and further be it

Resolved, that no further funding be expended or made available for any reconstruction project on Peekskill Hollow Road from Adams Corners to Route 301.

BY POLL VOTE: ALL AYES. LEGISLATOR TAMAGNA WAS ABSENT.

Vote:

State Of New York
ss:

County of Putnam

I hereby certify that the above is a true and exact copy of a resolution passed by the Putnam County Legislature while in session on June 2, 2009.

Dated: June 4, 2009

Signed: M. Chris Marrone

M. Chris Marrone
Clerk Of The Legislature Of Putnam County