

Gelardi & Randazzo LLP

Attorneys and Counselors at Law
800 Westchester Avenue, Suite S-608
Rye Brook, New York 10573
Telephone: 914-251-0603
Fax: 914-253-0909
Email: Info@gandrlaw.com

Vincent Gelardi
James A. Randazzo
Karen Lee*

Richard A. Portale
Robert Rafferty†
Of Counsel

*Admitted in NY, NJ and
District of Columbia

October 7, 2009

† Admitted in NY and CT

Hon. Andrew P. O'Rourke
Supreme Court – County of Putnam
20 County Center
Carmel, New York 10512

Re: Laga v. Bondi, et al
Index No. 1194/09

Dear Judge O'Rourke:

I am herein providing this Court with the recent Legislative and Executive decisions which should render this proceeding moot.

As this court is aware, on August 20, 2009, by resolutions, the Putnam County legislature rescinded the approval previously granted for the construction of a Park and Ride located at Route 6 at Mount Hope Road in the town of Carmel, Putnam County (see Resolution # 230 of 2009).

By Executive decision dated August 28, 2009, the County Executive vetoed Resolution # 230 (see August 28, 2009 letter from County Executive Robert Bondi).

On September 25, 2009, by Resolution # 261, the County Legislature, overrode the County Executive's veto (see Resolution # 261).

Should you have any further questions, please do not hesitate to contact the undersigned directly.

Very truly yours,

GELARDI & RANDAZZO LLP



By: Vincent Gelardi

VG:ge

enclosure

cc: Patricia A. Friederich
Jyotsna Gorti, Assistant Attorney General
David K. Gordon, Esq.

PUTNAM COUNTY LEGISLATURE

Resolution #230

Introduced by Legislator: Dini LoBue at a Special Meeting held on August 20, 2009.

Seconded by Legislator: Daniel G. Birmingham.

page 1

APPROVAL/RESCIND ROUTE 6 AT MOUNT HOPE ROAD PARK AND RIDE

WHEREAS, by Resolution #55 of 2004, the Putnam County Legislature declared itself as Lead Agency for the construction of certain Park and Ride facilities in the County of Putnam; and

WHEREAS, by Resolution #148 of 2005, the Putnam County Legislature approved the Park and Ride projects for the sites located at Route 311 and Ludingtonville Road; Route 52 and Ludingtonville Road; Route 312; Route 6 East of Route 312; and Route 6 at Mount Hope Road;

WHEREAS, the Putnam County Legislature now desires to rescind the approval previously granted for the Park and Ride location at Route 6 at Mount Hope Road in the Town of Carmel; now therefore be it

RESOLVED, that the Putnam County Legislature hereby rescinds the approval granted for the construction of a Park and Ride located at Route 6 at Mount Hope Road in the Town of Carmel by Resolution #148 of 2005.

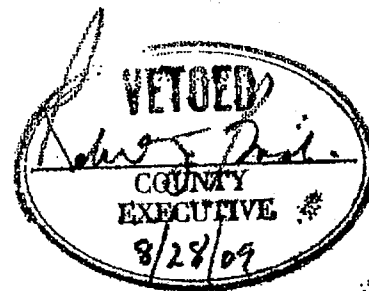
BY ROLL CALL VOTE: FIVE AYES. THREE NAYS –
LEGISLATORS CONKLIN & OTHMER & CHAIRMAN HAY.
LEGISLATOR OLIVERIO WAS ABSENT. MOTION CARRIES.

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 August 20, 2009.

Dated: August 21, 2009

Signed: M. Chris Marrone

M. Chris Marrone
Clerk Of The Legislature Of Putnam County

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

cc: all

John G. Tully
Deputy County Executive



August 28, 2009

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

LEGISLATURE
PUTNAM COUNTY
CARMEL, NY
2009 AUG 28 PM 3:40

RE: Veto of Resolution #230 of 2009

Dear Mrs. Marrone:

Please be advised that I am vetoing Resolution #230 of 2009 which rescinds the approval granted for the construction of a Park and Ride Lot at Route 6 and Mount Hope Road in the Town of Carmel by Resolution 148 of 2005.

First, the very adoption of this resolution, which is directly contrary to prior Resolutions 148 of 2005 and 55 of 2004, indicates a complete and total misunderstanding of the very subject matter that the Legislature is considering. The Legislature was either misinformed when it adopted the previous resolutions or it is so now.

Specifically, in Resolution 148 of 2005, the Legislature approved the funding of the project (PIN #8806.97) to construct or expand numerous Park and Ride Lots in Putnam County, including the lot at Route 6 and Mount Hope Road in the Town of Carmel. In addition, in Resolution 55 of 2004, 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 there have been no substantial changes in circumstances since the adoption of said resolutions, it is ridiculous for the Legislature to now change its position in the face of the slightest bit of political pressure which is being exerted by constituents who are merely concerned with the view from their front doors, as opposed to alleviating traffic congestion and environmental concerns for the residents of the entire County.

Second, as the Legislature is well aware, the State has provided a 100 % reimbursable grant (80% federal, 20% state) for the design, construction, land acquisition and inspection of the entire Park and Ride Lot project. It is my understanding that in the event that the County withdraws its approval for any part of the project, it will lose the funding for such portion, and possibly the entire project. Specifically, the County would be responsible for funding, at a minimum, the \$643,067.00 cost, to date, of the lot at Route 6 and Mount Hope Road. At a worst case scenario, the County would be responsible for the millions in funding for the entire Park and Ride Lot project.

The Legislature's actions will also cause the County to additionally expend substantial taxpayer funds in order to restore the subject area and defend itself in ensuing litigation. Clearly, the Legislature's actions will force the County to intentionally breach its contract with the contractor performing work on the project, a contract which was, in fact, previously authorized by the Legislature.

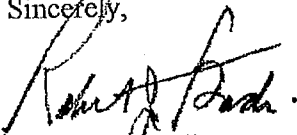
Based upon the above, the adoption of this resolution is both reckless and fiscally irresponsible. Let me remind you that the Legislature is charged with the care and custody of taxpayer funds, and that it must protect those funds in accordance with the laws of the State of New York. Certainly, in the event that this veto is overridden and the County is forced to throw away possibly millions of dollars, the Legislature should expect to defend a lawsuit for waste of taxpayer funds.

In light of the foregoing, I implore you to reconsider the adoption of this reprehensible resolution which ignores the interests of all of Putnam County's taxpayers in favor of a mere few.

Therefore, I must strenuously veto Resolution #230.

Notwithstanding, I am also submitting a budgetary amendment in the amount of \$991,425.00, which reflects the final estimate for the lot at Route 6 and Mount Hope Road. Undoubtedly, the County will be caused to initially incur said amount as a result of a reckless veto override. As you will find in the coming days there are other much more valuable ways for the County to expend its limited funds.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert J. Bondi". The signature is written in a cursive style with a large initial "R".

Robert J. Bondi
County Executive

RJB/mf

PUTNAM COUNTY LEGISLATURE

Resolution #261

Introduced by: Legislator: Tony Hay at a Special Meeting held on September 24, 2009.

Seconded by: Dini LoBue.

page 1

OVERRIDE/COUNTY EXECUTIVE'S VETO OF RESOLUTION #230 OF 2009

WHEREAS, upon reconsideration, the County Executive's veto of Resolution #230 of 2009 is hereby overridden.

BY ROLL CALL VOTE: SIX AYES –LEGISLATORS BIRMINGHAM, FUSCO, LOBUE, ODELL, OLIVERIO & TAMAGNA. THREE NAYS – LEGISLATORS CONKLIN, OTHMER & CHAIRMAN HAY. MOTION CARRIES.

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 September 24, 2009.

Dated: September 25, 2009

Signed: M. Chris Marrone

M. Chris Marrone
Clerk Of The Legislature Of Putnam County