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For Distribution to The Board of Trustees,
and Town Council

13 January 2023

Re Risks to Killearn Road, A "Scenic Road"
& Attendant Financial Consequences to All on Assessor's Roll

To The Board of Trustees, Town Council, and Others Listed Below

On January 11, 2023, the Board held a meeting to receive an engineering firm's report concerning possible modifications to the Road. Questions/comments from members of the live and Zoom audience were prohibited. This letter presents concerns that would have been expressed by me, a resident on that Road for more than three decades. It means to direct attention to the need for any modifications of the designated "Scenic Road," some obvious consequences of changes to the Road, and the financial burdens they would impose on every person listed on the Town's Assessor's Roll. By way of *in breve* background, this entire exercise has been set in motion by a minority of Killearn residents, each of whom acquired their properties knowing that Killearn was a dirt road, and has been a "Scenic Road" since 1994. Whatever Killearn's issues, they "run with the land."

"We know we have to do 1,2,3...." Oh? Really? Must we?? The numbers refer to three of five options presented by the Report. The quotation is from a Trustee who seemed to have made up his mind that at least three of the five possibilities have to be undertaken. But, why in fact does anything have to be done? Yes, of course it is hardly news (and not worth paying an engineer \$30,000 to confirm the obvious) that for several weeks annually Killearn Road is in bad shape. Yet, as one audience member noted, she has lived on the Road for twenty three years, and it always had been passable. I have lived on the Road for more than three decades, and report the same.

So, is the Road occasionally in bad shape? Absolutely. Is it then irksome, even challenging in places? Yes. Impassable? No, and there simply is no good reason to rip off the "Scenic" label, or otherwise impose the consequences described further along.

It's Only Money. The range of costs to implement the various proposals varied, with the most expensive at no less than \$7MM + [unadjusted for inflation]. According to the

Report, the “we have to do” 1,2,3 would cost approximately \$1.7 million, not unreasonably rounded to \$2 million. During the meeting, there was discussion about government sources of funding. At first blush, none seemed likely. A Trustee mentioned bonding. Not mentioned was that bonds impose annual costs in the forms of interest and principal repayments, and eventually will have to be repaid or refinanced.

So, let’s put \$ in context::

- The Town’s annual budget is about \$4 million. Therefore, the proposals would require an aggregate increase ranging from 150% to 300%
- The sole advocates are a handful of Killearn Road residents, who have not indicated in any way that they would fund any of the proposals
- Rather, they expect funding to come from every single person on the Town’s Assessor Rolls, taxed to satisfy the whims of these very few, and taxed by a lot

“Safety is our primary concern.” This was said, in the very words or equivalent, by a Trustee mustering a parade of hypotheticals revolving about failures of fire trucks, ambulances, and the like to arrive at dire scenes. Yet, no actual such incident was identified, and inquiry of the Town’s Highway Department, State Police, and other sources of records that might provide support for the remark, are not likely to reveal any such events.

By sharp contrast, there is no question whatsoever that a significantly improved Road would invite speedier vehicles with concomitant risks to the people who walk the Road, children who play on it, dogs who accompany the people, and horses that are ridden. Any Town that knowingly introduced these risks would be responsible for their consequences. Speed bumps would not mitigate the predictable problems. As pointed out at the meeting, speed bumps could not be deployed because they would impede snow plays. The Board asked the engineer to provide a “traffic study.” That study also must project changes in traffic, changes in types of vehicles, and of speeds.

Asphalt is no panacea. It requires maintenance, and, during the summer of 21, half of a southern section of Chestnut Ridge was sliced away by rain, like a knife cutting through cake. It also should be mentioned that a simple ameliorant exists. Joe Spagnola (Hwy Superintendent) has been introducing millings here and there on Killearn. The millings have gone some way to mitigate drainage issues.

Who Really Needs to Know. There have been several meetings over a couple of years concerning this project. To now, the sole notice has been on the Town’s website. Given that payment would be sought from everyone on the Town’s Assessor Rolls, it is not merely appropriate but likely lawfully necessary that individual notices of subsequent meetings be mailed. Given that the Assessor and Taxing departments are accustomed to providing individual mailings, individual notice is unquestionably the best notice practicable.

In the past, only selected submissions on the topic were posted on the Town's website. I hereby request, again, that all be posted and available on the site.

Legal Impediments. At the meeting, no mention was made of whether some of the proposed changes even are permissible under Scenic Road classification, and various State and even federal apposite laws and regulations. Efforts to repeal that designation wd prompt multiple Art 78 [disputing state or local agency actions] and other legal proceedings.

Yours very truly,

A handwritten signature in black ink, appearing to be 'M. J.', with a stylized flourish at the end.

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Natasha Gopaul

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