

VETO MESSAGE:

VETO MESSAGE - No. 134

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 1159, entitled:

"AN ACT to amend the environmental conservation law, in relation to the creation of the Upper Delaware River Greenway; and providing for the repeal of such provisions upon expiration thereof"

NOT APPROVED

This bill is intended to create the Upper Delaware River Greenway to "increase awareness of the Upper Delaware River, its importance to the economy of Sullivan County, provide State assistance for municipal improvements, and increase tourism along the Route 97 Scenic Byway corridor." The bill proposes that the Greenway be managed by a "council", whose voting members would consist of persons selected by participating municipalities.

Although I support efforts to publicize our State's natural resources, increase tourism, and enhance cooperation among municipalities, there are numerous problems with this bill that preclude its approval. For example, this bill:

- * Does not create a legal entity, such as a public benefit corporation, to exercise the powers which the bill would give to the proposed greenway council.

- * Contains conflicting provisions about how this proposed greenway would be created.

- * Grants veto power to participating municipalities over key matters, which is inconsistent with one of the purposes of a greenway, which is to provide a regional perspective on issues such as land use planning, land conservation, preservation of open space and tourism.

- * Authorizes participating municipalities to appoint all of the voting members of the council, even though the proposed greenway would be funded by State monies, and the greenway council is authorized to call upon State agencies for assistance and other resources. In these circumstances, a majority of the members of the greenway's governing body should be Executive agency officials and/or persons who are appointed by the Governor, in the manner provided for in the case of the Niagara River Greenway Commission.

- * Does not require the development of a plan for the proposed greenway. A detailed plan is essential to guide the development and management of a greenway, and we have required the preparation of plans in the case of other greenways and similar entities.

The supporting memorandum for this bill asserts that the "State has focused monetary resources on the Niagara and Hudson rivers and in so doing has given the communities along those rivers a statutory preference in terms of various State grant programs, as well as direct state aid." There is no question that the Upper Delaware River Valley is one of the State's most magnificent assets. It is rich in scenic, historic and cultural resources, and offers some of the finest recreational opportunities that our State has to offer. There are a variety of ways to help preserve and enhance these great natural assets, such as through the creation of greenways or the designation of heritage areas. Unfortunately, this bill seeks to create a greenway in a manner that is inconsistent with other greenway legislation, and is contrary to the proper governance of these assets.

The bill is disapproved.

(signed) ELIOT SPITZER
