

RESOLUTION

No. 12  
Introduced by Robert Taylor  
Adoption moved by same  
Seconded by Anthony DeLuca

Kenilworth, N.J. December 12, 2007

WHEREAS, the Operating Agreement between Union County and the Morristown & Erie Railway (M&E) dated May 9, 2002 to reactivate the century old single-track Rahway Valley Railroad (RVR) specifically requires a Business and Operating Plan that minimally includes objectives and procedures in nine key areas (corporate structure; capitalization; marketing; operations; safety and emergency management; maintenance; landscape; capital spending; interim service for Bayway Refining customer needs); and

WHEREAS, six years into the ten year Operating Agreement M&E has not furnished a Business and Operating Plan covering the final 5-mile section of track between Cranford and Summit known as "Phase IV" of the project, and as a result the Union County Freeholders cannot provide any assurances to the Borough of Kenilworth; and

WHEREAS, the Agreement Union County entered into with NJDOT on June 23, 2000 empowering the Freeholders to negotiate with M&E states that "the County will enter into and administer an Operating Agreement with a private rail carrier (Operator) for the purpose of reactivating rail freight service on RVR right-of-way;" and

WHEREAS, the Union County Freeholders have failed to require M&E to cure its breach of the 2002 Operating Agreement; and

WHEREAS, Union County has further failed to fulfill the terms of its 2000 agreement with NJDOT, particularly its responsibilities of "monitoring and supervising compliance with all provisions of this Agreement;" and

WHEREAS, NJDOT has already approved and spent \$14.5 million of public funds on the three earlier Phases of the Operating Agreement, and the Union County Freeholders acknowledge that no studies (economic or otherwise) have been conducted for Phase IV; and

WHEREAS, Kenilworth residents deserve the protection of their officials and County and State agencies from this ill-conceived plan to reactivate the RVR that will negatively impact safety, quality of life and environment, and furthermore lacks fiscal responsibility.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF KENILWORTH;**

1. that a request be made that public funding to M&E by NJDOT through Union County be terminated; and
2. That a request be further made that the Union County Freeholders terminate the Operating Agreement with M&E for breach by M&E of its obligations under the Operating Agreement.
3. That copies of this Resolution be forwarded to Congressman Michael Ferguson, Governor Corzine, State Senator Raymond Lesniak, Assemblymen Neil Cohen and Joseph Cryan, Union County Freeholders, the New Jersey Department of Transportation and Members of the Stop the Train Coalition – Summit, Roselle, Roselle Park and Springfield.

Dated: December 12, 2007

I, Hedy Lipke, Municipal Clerk of the Borough of Kenilworth, do hereby certify that the above is a true copy of a Resolution adopted by the Mayor & Council of the Borough of Kenilworth at a meeting held on December 12, 2007.

*Hedy Lipke*  
Borough Clerk

BOROUGH OF KENILWORTH		
DEC 21 2007		
ROLL CALL		
CLEMENTI		
COE	✓	
DE LUCA	✓	
FIAMINGO	✓	
PUGLIESE	✓	
TAYLOR	✓	

Approved *[Signature]* Mayor  
Date December 12, 2007