

BOROUGH OF ROSELLE



RESOLUTION NUMBER 2008-023

RESOLUTION IN SUPPORT OF CEASING FUNDING OF RAHWAY VALLEY FREIGHT TRACK REACTIVATION

WHEREAS, the Operating Agreement between Union County and 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 Roselle; 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 in 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 the Agreement; and

WHEREAS, NJDOT has already approved and spent \$14.5 million in 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

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WHEREAS, Roselle 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 live and environment, and furthermore lacks fiscal responsibility.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ROSELLE:

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; and
3. That copies of the Resolution be forwarded to Congressman Donald Payne, Governor Corzine, Senator Raymond Lesniak, Assemblyman Joe Cryan, Assemblyman Neil Cohen, Union County Freeholders, the New Jersey Department of Transportation and Members of the Stop the Train Coalition-Kenilworth, Roselle, Roselle Park and Springfield.

I, Rhona C. Bluestein, Borough Clerk of the Borough of Roselle, in the County of Union, State of New Jersey, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Borough council of the Borough of Roselle, county of Union, State of New Jersey at a regular meeting of said Council held January 16, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Borough of Roselle in the County of Union and State of New Jersey this 16th day of January 2008.

A handwritten signature in cursive script that reads "Rhona C. Bluestein".

Rhona C. Bluestein, M.B.A., R.M.C.
Borough Clerk