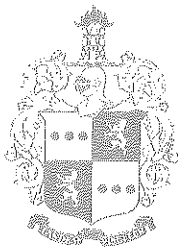


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June 15, 2009

Roxbury Township Mayor and Council
1715 Route 46
Ledgewood, NJ 07852

RE: Horseshoe Lake Park and the Chester Branch Railroad Rehabilitation Project

Dear Mayor DeFillippo and Council Members:

It was with surprise and disappointment that I read Roxbury Township Manager Christopher Rath's June 11, 2009, letter to State and Federal legislators concerning the Chester Branch Railroad Rehabilitation Project. The letter contains numerous inaccurate statements, ignores relevant facts including that the Township of Roxbury significantly encroached on private property when they constructed their recreational area and is silent with respect to the numerous meetings held between Roxbury and Morris County, as well as past discussions that occurred between our Transportation Director Jerry Rohsler and Mr. Rath regarding this rail line.

The letter also fails to mention that for at least 2 years Roxbury Township was aware of Morris County's intent to rehabilitate this rail line, which is designated as an active rail line by the Federal Surface Transportation Board. Roxbury Township assistant to the engineer, Mr. Ghassan Sudah, was present at the State Rail Plan Public Meeting held by the NJDOT on June 11, 2007, where Morris County's application to rehabilitate the Chester Branch rail line was discussed. Additionally, letters were sent on May 22, 2007, from NJDOT to then Mayor Martin Schmidt and Township Engineer Michael Kobylarz informing him of the application for State Rail Funds.

As you are aware, a considerable effort has been made on the part of Morris County to address the concerns of your governing body that could be considered upon ownership of the rail line by the County. The letter fails to acknowledge the meetings held and correspondence transferred between Morris County and Roxbury Township. Below and attached is a summary of the communications that have occurred:

On March 24, 2009, County Administrator John Bonanni and Planning and Development Director Frank Pinto attended Roxbury Township's council meeting to hear the Township's concerns and to discuss the overall project parameters.

In response to the March 24, 2009, council meeting presentation, Mr. Rath sent Mr. Pinto a thank you letter received on March 30, 2009. It stated, that "Your professional demeanor and informative presentation exemplifies the open communication that is greatly appreciated by the Mayor and Council."

On May 6, 2009, Roxbury Township's Manager issued an inaccurate and inflammatory press release, which included home addresses and cell phone numbers for every member of the Board of Chosen Freeholders.

On May 7, 2009, Morris County responded to this press release with a statement to provide the public with accurate information and overview of the project. At that point, Morris County also established a webpage to post factual information about this project for the general public, found at <http://www.MorrisDOT.org/rail/rail-chesterbranch.asp>

On May 8, 2009, Freeholders Nordstrom, Schrier and myself, Administrator Bonanni, and members of the County Department of Planning & Development Frank Pinto and Deena Cybulski met with Roxbury officials to discuss the rehabilitation project in detail in the Freeholder's conference room. Those present from Roxbury included Mayor DeFillippo, Council Members James Rilee and Fred Hall, and Manager Rath.

As a result of the May 8, 2009 meeting, a list of questions dated May 11, 2009, was received from Mr. Rath. Mr. Pinto responded to all 12 questions thoroughly on May 28, 2009.

On May 21, 2009, Freeholder Nordstrom met with Mayor DeFillippo on site in Horseshoe Lake Park to walk the Chester Branch and discuss Roxbury's concerns.

On June 3, 2009, County representatives met with Roxbury officials. Present at that meeting were Freeholders Nordstrom, Schrier, and myself, John Bonanni, and Frank Pinto. Roxbury officials present included: Mayor DeFillippo, Council Members Hall and Gary Behrens, and Mr. Rath, and Public Works Director Rick Blood. A productive conversation was held, which included a review of potential solutions, leaving the Morris County officials to feel that a plan of action had been established.

On June 4, 2009, Morris County prepared a concept plan to address the Horseshoe Lake Park roadway encroachment and shared the plan that day with Rick Blood. Mr. Blood reviewed the plans and following his review we provided revisions to him based on his input.

On June 8, 2009, Mr. Pinto responded to Mr. Rath on the questions that arose from the June 3, 2009, meeting.

It is important to note that on July 11, 2007, the Roxbury Township Planning Board approved the Kuiken Brothers property expansion and railroad siding. At that point, Roxbury took no

action to limit rail activities with respect to storage, hazardous materials, or speed of trains; nor did Roxbury make any provisions to address safety concerns with increased rail activity alongside its park. Furthermore, Roxbury did not take advantage of the Planning Board review process to provide the Township with vehicular access along the northern property line of Horseshoe Lake Park. As a result of this approval, train cars will be adjacent to the island parking area without any safety amenities that Roxbury is now citing as a concern.

As a result of the June 3rd meeting and subsequent conversations between Mayor DeFillippo and me, Morris County agrees to the following provisions:

- Morris County agrees to work to improve safety in Horseshoe Lake Park by constructing a fence along the rail line adjacent to the park.
- Morris County agrees that it will not extend the rail line beyond its current southernmost physical terminus.
- Morris County agrees to regulate the hours of operation through a management agreement with the operator.
- Morris County agrees to assist Roxbury to create a separated bicycle and pedestrian pathway to improve safety alongside Horseshoe Lake Park. This corrects two conditions, the trespassing on private property and the unsafe mix of cars, pedestrians and bicyclists.
- Morris County agrees to sell a portion of the railroad right-of-way land to Roxbury west of the area needed for railroad purposes along the northern portion of Horseshoe Lake Park. If the American Recovery and Reinvestment Act (ARRA) funds prohibit a sale of any lands associated with the project, an easement or a license agreement could be negotiated. It will be necessary to include a perpetual easement between Morris County and the operator to allow access to the tracks for maintenance.
- Morris County agrees that the storage of trains on the Horseshoe Lake Park portion of the track will not be permitted by the railroad operator.

Roxbury Township will be responsible for any and all permitting, including any NJDEP and/or other agency permits, which may be necessary to accommodate new pavement to relocate the existing roadway and any new bicycle and pedestrian pathway. Morris County will not oppose Roxbury's pursuit of any permits.

The recommendations from Roxbury Township to relocate the rail line have been investigated by the County and have been found to be prohibitively expensive and environmentally irresponsible, rendering any hope of NJDEP approval impossible.

At its May 7, 2009, Council's public meeting, the Township of Randolph unanimously supported the rehabilitation project. In addition, the support shown by the Morristown & Erie Railway and the owners of the BETA Corp industrial complex guarantees that the Federal Surface Transportation Board will not allow this rail line to be abandoned.

These provisions exhibit Morris County's willingness to work cooperatively with Roxbury Township and are a direct outcome of the correspondence, meetings, and discussions between

the two governmental entities. Morris County is an advocate of freight rail as an alternative to trucks and therefore considers this federally funded project a priority. The rehabilitation of the Chester Branch meets the intent of the ARRA legislation by creating employment opportunities not only during the rehabilitation but by the future economic opportunities it will create in Morris County.

Sincerely,



Gene F. Feyl
Freeholder Director

cc: Governor Jon S. Corzine
U.S. Senator Frank R. Lautenberg
U.S. Senator Robert Menendez
Congressman Rodney P. Frelinghuysen
State Senator Anthony R. Bucco
State Senator Joseph Pennacchio
Assemblyman Michael Carroll
Assemblyman Rick Merkt
Assemblyman Alex DeCroce
Assemblyman Jay Webber
Morris County Board of Chosen Freeholders
John Bonanni, County Administrator
Frank Pinto, Director, Department of Planning and Development