

Kathy D

MORRIS COUNTY BOARD OF CHOSEN FREEHOLDERS

Director
Gene F. Feyl

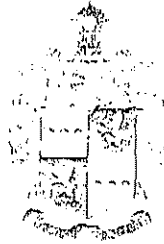
Deputy Director
William J. Chegwidan

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JUL 20 2009

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ROXBURY TOWNSHIP



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Daniel W. O'Mullan

County Administrator
John Bonanni

Clerk of the Board
Diane M. Ketchum

July 16, 2009

Honorable Kathryn A. DeFillippo
Roxbury Township Mayor
1715 Route 46
Ledgewood, NJ 07852

RE: Morris County and Roxbury Township Agreement for Improvements to Horseshoe Lake Park

Dear Mayor DeFillippo:

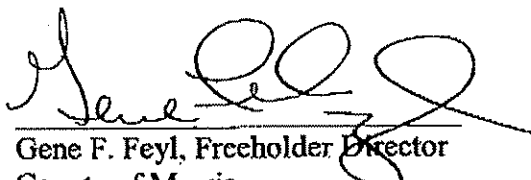
The County of Morris and the Township of Roxbury mutually agree to the following:


1. A new bicycle and pedestrian trail parallel to and a few feet west of the existing access roadway will be constructed. This will remove the bicyclists and pedestrians from the access road and have them on a dedicated trail, creating a safer environment. Morris County agrees to provide in-kind staff time and the track hoe and bulldozer required to accomplish this task, with the equivalent assistance of the Roxbury DPW staff.
2. Three to six mature trees will be removed based on Roxbury's design. North of the culvert, the trail will be located approximately 25' west of and roughly parallel to the access road. Morris County agrees to provide in-kind staff time and the track hoe and bulldozer required to accomplish this task, with the equivalent assistance of the Roxbury DPW staff.
3. Along the access road new pavement will be added to maintain a 20' width for vehicles north of the existing culvert.
4. North of the culvert the existing wooden guard rail, two mature trees and forsythia (30) will be removed. Morris County agrees to provide in-kind staff time and the track hoe and bulldozer required to accomplish this task, with the equivalent assistance of the Roxbury DPW staff.
5. The existing roadway north of the southern island parking entrance will be closed to vehicles by installing a gate. The gate will prohibit vehicles, but allow bicycle and pedestrian access.

6. At the intersection of the island parking access road and the trail, a "four way" stop will be installed along with appropriate crosswalk pavement markings.
7. Morris County will provide any recycled concrete or other base material it has on hand for use in creating the new trail. This material shall be applied by both County and Roxbury DPW staff.
8. The County will install a gate near Route 10 to keep vehicles from exiting Route 10 onto the railroad right-of-way.
9. A six-foot tall fence, similar to the fence around Kuiken Brother's Lumber property, will be installed that will connect (or be in very close proximity) to the existing fence on the Kuiken property. The fence will extend southerly from that point, extending the entire length of the existing track. A gate will be installed near the switch for the Kuiken siding to allow emergency access to the park via Route 10.
10. Other gates will be installed along the length for access to the railroad tracks and property on the opposite side of the railroad owned by Roxbury Township.
11. Tree and stump removal and grading will be done by Morris County Shade Tree and DPW staff with the equivalent assistance of the Roxbury DPW staff.
12. Roxbury Township will be responsible for disposal of all excess materials.
13. The County agrees to pay one half the cost of the paving, up to a maximum of \$10,000. Roxbury Township will be responsible for hiring the contractor.
14. The County Bridge Division will provide and install a railing across the top of the existing culvert headwall with the assistance of the Roxbury DPW staff.
15. Roxbury Township will be responsible for any and all permitting, including any NJDEP and/or other agency permits. This includes any/all permits necessary to accommodate new pavement to relocate the existing roadway as well as the construction of the new bicycle and pedestrian pathway. Roxbury will prepare any/all necessary drawings for submission to NJDEP.
16. The train will operate at a speed between 5 and 10 mph along the tracks that front Horseshoe Lake Park.
17. The hours of operation of the rail operator along Horseshoe Lake Park will be restricted to Monday through Friday, 9:00 AM to 3:00 PM, with a provision for emergencies when the operator would have to use the tracks at other times. A communication plan between Roxbury, the County, and the operator will be put in place in order to provide notifications of emergency deliveries.

18. No storage of materials or equipment will be allowed along the Chester Branch adjacent to Horseshoe Lake Park.
19. The Chester Branch rail line will not be extended past the current southern terminus.
20. All attempts will be made to implement the new infrastructure prior to the rehabilitation of the line. However, the fence is part of the Federal stimulus funds and will therefore be installed once those funds are authorized.
21. Morris County will assist Roxbury Township and Randolph Township in their attempt to secure grant funding for the Patriot's Path extension.
22. Morris County agrees to sell a portion of the railroad right-of-way land to Roxbury Township west of the area needed for railroad purposes along the northern portion of Horseshoe Lake. If the American Recovery and Reinvestment Act (ARRA) prohibit a sale of any lands associated with the project, an easement or license agreement will be negotiated. It will be necessary to include a perpetual easement between Morris County and Roxbury Township to permit the railroad operator access to the tracks for maintenance. It is understood that the Morris County Municipal Utility Authority will maintain an easement in perpetuity as it relates to their existing or any future required infrastructure, including but not limited to, all operational and service needs.

On behalf of my governing body, I agree with the terms of this letter.


Gene F. Feyl, Freeholder Director
County of Morris


Kathryn A. DeFillippo, Mayor
Township of Roxbury

Copy to:

Morris County Board of Chosen Freeholders

Roxbury Township Council

John Bonanni, County Administrator

Frank Pinto, Director, Department of Planning and Development

Steve Hammond, Director, Department of Public Works and County Engineer

Christopher Rath, Roxbury Township Manager