



OFFICE OF THE COUNTY MANAGER
Alfred J. Faella, County Manager

April 25, 2012
Honorable Jamel C. Holley
Mayor of Roselle
210 Chestnut Street
Roselle, NJ 07023

**BOARD OF
CHOSEN FREEHOLDERS**

ALEXANDER MIRABELLA
Chairman

LINDA CARTER
Vice Chairman

ANGEL G. ESTRADA

CHRISTOPHER HUDAK

MOHAMED S. JALLOH

BETTE JANE KOWALSKI

DEBORAH P. SCANLON

DANIEL P. SULLIVAN

VERNELL WRIGHT

ALFRED J. FAELLA
County Manager

ROBERT E. BARRY, ESQ.
County Counsel

JAMES E. PELLETTIERE
Clerk of the Board

Dear Mayor Holley:

As you may be aware, in 2002, the County of Union entered into contract with M&E Railway with regard to the the Union County Rail Freight project, which included the reactivation of a rail line which would have passed through your municipality.

Enclosed please find a letter to M&E Railway confirming that due to their failure to exercise their option to extend the operating agreement, the agreement terminates effective May 15th, 2012.

I am providing you this information to share with your governing body and constituency. If you have any questions regarding maintenance issues, please feel free to contact Parks and Community Renewal Director Ron Zuber at 908-527-4910.

Sincerely,

Alfred J. Faella
Union County Manager



COUNTY OF UNION

OFFICE OF THE COUNTY MANAGER

Alfred J. Faella, County Manager

**BOARD OF
CHOSEN FREEHOLDERS**

April 20, 2012

ALEXANDER MIRABELLA
Chairman

LINDA CARTER
Vice Chairman

ANGEL G. ESTRADA

CHRISTOPHER HUDAK

MOHAMED S. JALLOH

BETTE JANE KOWALSKI

DEBORAH P. SCANLON

DANIEL P. SULLIVAN

VERNELL WRIGHT

ALFRED J. FAELLA
County Manager

ROBERT E. BARRY, ESQ.
County Counsel

JAMES E. PELLETTIERE
Clerk of the Board

Wes Weiss, President
Morristown & Erie Railroad, Inc.
49 Abbett Avenue
Morristown, New Jersey 07960

Re: Termination of Operating Agreement between the County of Union and
M & E Railway

Dear Mr. Weiss:

Please accept this correspondence to advise you that due to the failure of M&E Railway to exercise the option contained in paragraph two of the Operating Agreement dated May 2, 2002, the Agreement will terminate on May 15, 2012. Under the specific terms of the Agreement M&E Railway was to exercise its option to extend the Agreement by March 15, 2012, 60 days prior to the date of the scheduled expiration of the Operating Agreement. The termination of this Operating Agreement does not however terminate all of your company's obligations to the County of Union, as set forth in paragraph twenty of the Agreement entitled Return of Premises.

This letter will also serve to inform you that effective May 15, 2012, any rights that M&E has to enter the right of way shall terminate and that any equipment or materials remaining on the right of way belonging solely to the M&E Railroad must be removed on or before that date. This does not include any materials that were purchased specifically for this project with either County or State funds which were delivered to the property during the course of the rehabilitation of the rail lines pursuant to said Operation Agreement.

ADMINISTRATION BUILDING

Elizabethtown Plaza

Elizabeth, NJ 07207

(908)527-4200

fax(908)289-0180

www.ucnj.org

We're Connected to You!



COUNTY OF UNION

OFFICE OF THE COUNTY MANAGER

Alfred J. Faella, County Manager

**BOARD OF
CHOSEN FREEHOLDERS**

ALEXANDER MIRABELLA
Chairman

LINDA CARTER
Vice Chairman

ANGEL G. ESTRADA

CHRISTOPHER HUDAK

MOHAMED S. JALLOH

BETTE JANE KOWALSKI

DEBORAH P. SCANLON

DANIEL P. SULLIVAN

VERNELL WRIGHT

ALFRED J. FAELLA
County Manager


ROBERT E. BARRY, ESQ.
County Counsel

JAMES E. PELLETTIERE
Clerk of the Board

Please be further advised that the County of Union does not waive any rights it may have under this agreement or by law to seek reimbursement for any costs or damages which may have resulted from M & E Railway's failure to meet its obligations under contract, pursuant to paragraph ten of the Agreement. Finally, be advised that the County does not waive its rights to audit this project and to seek reimbursement for any costs or damages that may be uncovered as a result of such an audit.

Please be guided accordingly.

Very truly yours,



Alfred J. Faella
County Manager

CC: Alexander Mirabella, Freeholder Chairman
Freeholder Board Members
Robert E. Barry, Esq., County Counsel
Steven H. Merman, Assistant County Counsel
Ronald Zuber, Director Parks & Community Renewal

ADMINISTRATION BUILDING

Elizabethtown Plaza

Elizabeth, NJ 07207

(908)527-4200

fax(908)289-0180

www.ucnj.org

We're Connected to You!