

Adopted

4/20/99

## Town of Riverhead Community Development Agency

Resolution # 11Regarding the Railroad Museum of Long Island

Member LULL offered the following resolution,

which was seconded by Member KWASNA :

**WHEREAS**, in 1994 the Railroad Museum of Long Island requested that Suffolk County sponsor an application to New York State Department of Transportation (DOT) for funding pursuant to the ISTEA Program; and

**WHEREAS**, Suffolk County did sponsor said application and agreed to provide the 20% required match (\$160,000) for a total project in the amount of \$800,000 that would result in a restored and operational Engine 39; and

**WHEREAS**, an assumption made by the applicant and sponsor involved the restored engine operating on the Riverhead to Greenport Long Island Rail Road track as a tourist attraction supporting both downtown Riverhead and downtown Greenport; and

**WHEREAS**, the DOT now requires a commitment from the Long Island Rail Road that the restored engine will be permitted to operate on the track as a functional, not static, attraction; and

**WHEREAS**, the Long Island Rail Road is unable to provide said commitment prior to completion of restoration and testing of the engine; and

**WHEREAS**, Suffolk County has appealed to the Town of Riverhead for use of a portion of the rail track located in the towns of Brookhaven and Riverhead and owned by the Town of Riverhead CDA in order to meet the requirements of the DOT and not lose the funds designated for the Engine 39 project; and

**WHEREAS**, the Suffolk County Planning Director has provided assurances that use of a portion of rail spur in the Pine Barrens Core Area would be acceptable to the Pine Barrens Commission; and

**WHEREAS**, the Suffolk County Planning Director has recommend that the leasing and rehabilitation of existing track is an unlisted action pursuant to SEQR, a determination that would be made by the lead agency for this project; and

**WHEREAS**, neither Suffolk County nor the Long Island Rail Road are in a position to offer alternative testing and operational arrangements satisfactory to DOT; and

**WHEREAS**, the Town of Riverhead recognizes the positive impact that the restored, operational engine could have on the downtown area and the entire East End, and desires to support the project and assist in securing the allocated ISTEPA funds.

**THEREFORE, BE IT RESOLVED**, that the Town Board, as the CDA, hereby agrees to permit Engine 39 to be tested on some portion of the rail spur between Connecticut Avenue and the Calverton Enterprise Park to be determined, subject to the following conditions and understandings:

1. Restoration activities to be undertaken at the museum site on Griffing Avenue;
2. Repair and replacement of track and any and all additional improvements required to make the siding operational to be performed by the Railroad Museum of Long Island at its sole cost and liability;
3. Provision of a switch or temporary track cut by the Long Island Rail Road without financial liability to the Town of Riverhead;
4. Relocation of the restored engine from Griffing Avenue to the Calverton Enterprise Park to be undertaken by the Railroad Museum of Long Island;
5. The Town of Riverhead to be held harmless from all liability resulting from the restoration/relocation and operation of the engine or any other cars;
6. The Town of Riverhead to be named as additional insured on the Railroad Museum of Long Island liability insurance policies;
7. Complete SEQRA review of the project based upon formal submission by the applicant to Suffolk County, as sponsor and lead agency;
8. All efforts by Suffolk County and the Railroad Museum of Long Island to obtain Long Island Rail Road approval to operate Engine 39 on the Riverhead to Greenport track, subsequent to its restoration, shall continue;

**AND BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Railroad Museum of Long Island, New York State DOT, Suffolk County Department of Planning, the Long Island Rail Road and Community Development Agency Director Andrea Lohneiss.

**The Vote:**

Member Cardinale	<u>YES</u>
Member Kent	<u>YES</u>
Member Kwasna	<u>YES</u>
Member Lull	<u>YES</u>
Chairman Villella	<u>YES</u>