

FREQUENTLY ASKED QUESTIONS ABOUT THE DEVELOPMENT OF THE TIVOLI WATERFRONT

(Answers known as of October 2009)

Purchase Issues:

- **Liability Insurance:**
 - Who Pays? – Village through its participation in New York Municipal Insurance Reciprocal (NYMIR)
 - What will it cost? The Village has notified NYMIR about the anticipated purchase of land. NYMIR has responded that no additional coverage is necessary, but that they must be informed of the acquisition in order to update the policy.

- **Who tested for Contaminants and who paid for it.**
 - Arcadis drilled the holes, tested and showed results of tests. CSX paid for the tests. Village engineer reviewed the results.
 - Village did not pay for, nor does it “own” the research that Arcadis undertook. Confidentiality agreement with CSX limits public disclosure. However, Arcadis was required to release results to DEC and the village consulted with the DEC about the probable site remediation requirements based on the Arcadis findings. The village engineer, Crawford and Associates also bored some holes for the purpose of assessing construction potential.
 - The identified contaminants were mostly due to the use of herbicides to control weeds by the Railroad. This level of contamination is similar to that observed on “Rails to Trails”. The mediation recommended consists of covering the contaminated soil with a foot of topsoil.

- **Will any private property be taken by eminent domain in conjunction with the Waterfront project?**
 - No.

- **Is a pedestrian overpass the only option for pedestrian crossing?**
 - Although other options have been considered overtime, the purchase agreement anticipates this will be the means of crossing the tracks.
 - The at-grade crossing will be closed for all but emergency access.
 - Purchase of the property from CSX would not be possible without finding a way to close the at-grade crossing to the public.
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- **Where will the Air Rights Easement be located?**
 - Near Diana Street – Map provided.

- **How high will the overpass be?**
 - Bottom of the bridge must be 30 feet above the rail bed. Other specifications will be determined by the engineering design.

- **What is the cost?**
 - Not known. Purchase agreement contains a contingency that grant funding in excess of \$3.5 million be obtained.
 - Engineering estimates suggest that this should be enough.

- **Will the railroad have any residual rights to the property being purchased.**
 - Easements – known and not known – granted by prior owners of the land will be honored.
 - Railroad will not be able to access the property for rail bed repairs. Their access will have to be from further north or south along the track.

- **Will the public have access to review the Purchase and Sale agreement?**
 - Yes, when signed it becomes a public document.

- **Will the Village be responsible for Rail Bed Erosion? Especially in those areas to the West where the shoreline has been eroded?**
 - No. Village avoided purchases of those sections of land furthest north that are substantially eroded now. Waterfront design will include stabilization of the shoreline.

- **Will CSX build a fence and a locked gate across the RR crossing?**
 - Purchase agreement requires the Village to build and maintain a fence, to be deemed adequate by CSX, and to create a locked gate at the crossing.
 - Access at the crossing will be provided to emergency vehicles and services.
 - Location of the fence is such that it is designed to limit access to the tracks from the park. It does not limit access to the track from CSX-owned land.

- **Will the railroad continue to blow the whistle at the crossing?**
 - On closure of the at-grade crossing, the whistle will no longer be required.

- **Will access to the river be fenced off during construction?**
 - Yes.

Project Development Issues

- **Cost?**
 - Not known at this time. Minimum funding is \$3.5 million.
- **Height of Pedestrian overpass, length of access ramp, width of access ramp.**
 - Determined by winning project design. Public hearings will be held.
- **Utility Cables, other easement issues.**
 - Will be part of project design. These have been researched by Village engineer, but other issues may show up as construction is undertaken.
- **Who determines “negative impact” on waterfront scenic beauty?**
 - State environmental policy requires a full environmental review with public hearings before any construction can be undertaken. Public views must be considered.
- **Parking design – How many spaces? Lighting?**
 - Will be part of engineering design for which there will be public hearings.
- **Hours, maintenance, policing, public toilets** are all normal park oversight issues just as they are for the Pine Street Park today.
- **Cost of park maintenance will be paid out of Village taxes**, just as the costs for the Pine Street Park are. These have been reviewed and are not onerous.
- **Kayak Access and Usage.**
 - Project design will determine access for persons wanting to place kayaks in the river. Other issues to be considered include storage units to allow seasonal storage at the riverfront.
 - All issues of this kind will be subject to a public hearing. Design stage has not been started.