

MARCH 20, 2014

The Town Board of the Town of Corinth held a regular meeting on March 20, 2014 at 4:30 PM at the Town Hall.

Present: Richard Lucia, Supervisor
Charles Brown, Councilman
Edward Byrnes, Councilman
Jeffrey Collura, Councilman
Rose E. Farr, Town Clerk
Shawn Eggleston, Highway Superintendent
Leon Hickok, Code Enforcement Officer

Excused: Joshua Halliday, Councilman

Public: Ray Bush, Justin Gonyo, Dennis Morreale, Matt Rogers and Jon Kelley.

After roll call and Pledge of Allegiance the following business was conducted:

RESOLUTION #112
APPROVAL OF MINUTES

A motion was made by Councilman Collura, seconded by Councilman Byrnes and the following resolution was

ADOPTED Ayes 4 Lucia, Brown, Byrnes, Collura
Nays 0
Absent: 1 Halliday

RESOLVED that the minutes for March 13th, 2014 be approved.

SNCR Presentation

Justin Gonyo from the Saratoga & North Creek Railway gave a presentation on what the railroad would like to do. He spoke of the return of freight on the railroad. He told the board that the railroad has struck a deal with Northeast Aggregate to ship stone for use as a high friction aggregate in concrete and asphalt production. He said that they are looking at between 300,000 and 400,000 tons being brought down during this time. Justin told the board that what they want to do is ship the stone from Tahawus to the former station in Corinth. The unloading of the cars will be done on the side track that comes off the main line to stage the cars. He said they would need to build a drop pit (45 feet long) and the stone would be transferred by a conveyor belt from the train to the drop pit and then loaded onto trucks to be taken to Albany. Justin told the board that year one this would create between 12 and 16 jobs. He said that once freight is moved on the rail it will mean that a part of the present contract between the Town of

Corinth and the railroad will pay \$5,000.00 per month plus 6% of gross annual revenue. He said this may open up other avenues in the area.

Justin told the board that they had hopes that the trucks will come in on Railroad Place and out on Freight House Road. He said the drop pile would be approximately where the Depot was.

Supervisor Lucia said that the railroad is aware of the plans that the Town has for the new Depot and they have agreed to spruce up White's Crossing to make it our departure for the railroad for now.

Councilman Byrnes asked if they had looked at the spot on Route 9N (White's Crossing) since they would be right on Route 9N. Justin said the customer brought up that there is much better access there, there is not enough area to put the drop pit, have all the conveyor equipment and still have the truck turn around area.

Councilman Byrnes asked if the railroad was sure that there was enough room and no encroachment was made on the Sweetser Property. Justin said they would not encroach on anyone's land. Justin said the pile is only going to be as big as is needed to load the trucks. He said they would not be stockpiling stone.

Supervisor asked how many trains would be dropping off stone per day. Justin told the board no more than one per day.

Justin told the board that if everything else fails the railroad's plan is to remove part of the slope that would be behind the station and use that to fill in another area so that they would have enough area for the truck turn around all on the same side of the tracks.

Councilman Byrnes asked if the present roads would hold up to the truck traffic. Highway Superintendent Eggleston told the board that he did not think Freight House Road would hold up to the truck traffic. Councilman Collura said that he understood the trucks would go out Freight House Road, up west Mountain Road and down County Route 10 to meet Route 9N. Councilman Collura voiced his concern on whether West Mountain Road would be able to handle the truck traffic. Highway Superintendent said he thought that West Mountain Road could handle this truck traffic. Councilman Byrnes said his concern was the access road and Freight House Road.

Councilman Byrnes asked if the railroad took care of all the crossings. Jon Kelley said that the County Route 10 crossing was upgraded when the rest of the crossings were upgraded. Councilman Byrnes said he just wanted to make sure that the Town would not be responsible for upgrading the crossings. Supervisor Lucia told him that that was already in the contract.

Councilman Collura asked how much it would cost to redo West Mountain Road. Highway Superintendent Eggleston told him it would probably cost approximately

\$130,000.00 to replace that road. Councilman Collura voiced his concern that the Town would not be making enough money to cover the replacement of the road.

Mayor Morreale suggested that the trucks come in on Freight House Road and out Railroad Place.

Matt Rogers was concerned about the zoning classification at the present time which is residential. He said he thought that since eventually there is going to be a depot there the Village should entertain a request for zoning change to some type of railroad use. Supervisor Lucia said that the Town has zoned the property R-2 which does allow for the Depot and the proposed project Matt said he thought we needed to look at whatever happens to make sure the site is left in a developable state and does not require any additional investment by the Town and Village. Justin assure the board that when they leave it will look just like it does today.

Supervisor Lucia asked Mr. Rogers what the process would do to the plans for a Depot. Mr. Rogers told the board that as soon as they receive comments from the state and the Town agrees with them the planning and design stage could start immediately. He said he didn't see construction beginning until Spring 2015.

Mr. Rogers asked what the railroad's time frame was. Mr. Gonyo told him that they would like to start late April or early May and continue possibly into January 2015.

Councilman Collura asked about the hours of operation. Justin said that the loaded train would arrive early in the morning (4:00 AM or 5:00 AM). He said they would start unloading the stone around 7:00 AM and the train would leave late afternoon (5:00PM or 6:00 PM). Justin said the trucks would probably be operating from 7:00 AM to 5:00 PM. .

Councilman Collura again voiced his concerns on the Town not making enough money to replace West Mountain Road if necessary. Justin told the board that the \$5,000.00 is not a direct check to the Town. It would be paid to Warren County and the Town would receive a percentage. Councilman Collura asked if the railroad could come up with some blacktop for the Town of Corinth. Justin told him he could not make a commitment but would check with his bosses. Councilman Collura told Justin that he likes this plan and likes industry but does not want it to cost the taxpayers anything.

Jon Kelley said that other situations that he has had there is an “undue wear and tear clause” placed in the agreement so that if there is damage done it must be corrected.

Jon Kelley said that this might mean 26 jobs for Corinth. Councilman Collura said that was not a guarantee that the jobs would be for people from Corinth.

Justin asked what the cost to build the station would be. Matt Rogers told him that they do not have an estimate yet. He told Justin that they have decided that they do not have enough money to build a full station so at the present time it would be a temporary structure. Supervisor Lucia told Justin that included in the first structure is a walking platform to allow people to cross the tracks to get to the main line. Jon Kelley said he thought the large expenses were not the building it was the infrastructures, etc.

Councilman Byrnes told Justin that the Town already had an engineering firm look at this once before. He said this included all the paving, water, sewer, handicapped access, etc.. He said the total estimate was \$1.6 million.

Supervisor Lucia told Justin that his predecessor had made a commitment to the Town for the Depot project.

Councilman Collura asked again about the money. Supervisor Lucia told him the percentage was according to the contract and the board gets a report every so often that shows the percentage.

Justin asked the board if they were okay with what he presented.

Matt Rogers told the board and the railroad that it sounds to him like the Village needs to get going on the zoning amendment. He said he thought the railroad would need site plan review. Jon Kelley told Mr. Rogers that the railroad under the Interstate Commerce Clause are not subject to local planning and zoning. He said he recommended that Justin come in before the Planning Board in an advisory position to get the Planning Board’s wealth of knowledge but he does not need Planning Board approval. Mr. Kelley said the railroad wants to do it correctly.

Mr. Rogers said the property is owned by the Town and not the railroad. He said the Town could also claim that they are exempt from the Village Planning Board rules. He said if that is the route the railroad and Town wanted to go then it would have to be a conversation with the Mayor and the Planning Board Attorney. He said he could raise the issue with the Mayor and the attorneys and the exemptions are used so nothing can be done. He said then he would be getting calls about why it was done the way it was.

Mr. Rogers said that way the Planning Board could amend the zoning, get Site Plan approval and everything is on the up and up and everybody knows about it. He said the only issue with that is it requires a Public Hearing.

Jon Kelley told Mr. Rogers that he did not want to give the impression that Justin and his people do not want to come in, be cooperative and present all the plans, etc. He said the question comes up if this can all be done by April deadline.

Supervisor Lucia asked that Justin prepare an formal proposal that he could have the Town Attorney look over.

Mr. Rogers told Justin that the next Planning Board meeting is March 27, 2014 at 7:00 PM at the Village Hall .Mr. Rogers told Justin that another alternative would be that the Planning Board review the plans. He said right now the Village Planning Board does not have the authority to issue anything since that type use is not allowed. They could review the roads, etc. He said it would be like the railroad was complying with all requirements even though they did not have to. Mr. Rogers said the public has the right to know. Mr. Gonyo told the group that the railroad wanted to be transparent and be a good neighbor.

Councilman Collura again voiced his concerns regarding West Mountain Road. He asked that if West Mountain did need to be replaced would the railroad commit to repair that road.. Justin said he would check with the railroad and get back to the Town.

Highway Superintendent Eggleston told the board that they would have to upgrade both the access and exit roads before this could be started. Jon Kelley told the board that it was his experience that the truck drivers would ask that the access and exit roads were upgraded..

Mr. Rogers said they would be looking at dust, noise, what the property looks like at the end of the day. He said the railroad needs to decide which route they want to take.

Councilman Byrnes asked Justin if a person owns property on both sides of the track and they have a crossing that was given to them when the easement was given in the 1800s can they log and bring trucks across the crossing. Justin told Councilman Byrnes if the person had a deeded easement then that could be done if the crossing is already existing. Councilman Byrnes said so if he understands it right there is no special permit required. Jon Kelley told the board that before the transfer of the railroad to the Town of Corinth took place this was looked into and he said the situation came up regarding how private crossing is defined. He said once the private owner stops using the crossing for him/her use and invites the public to use the crossing it becomes a public crossing. Mr. Kelley said that there was concern about loggers trucks being heavier than normal vehicles crossing the tracks and pushing the rails down. He said that those are the things that need to be worked out. Justin told Councilman Byrnes that anything that needed to be corrected would be billed to the property owner.

Councilman Collura asked if the railroad had looked at any places north of this spot. Jon Kelley said this property is in a hamlet and if they conformed to certain restrictions they would be considered non-jurisdictional by the APA. Justin said also there is no side track north of this spot which is needed for this project.

PAPA

Supervisor Lucia spoke to Justin about Christopher Papa who is looking to gain access to his property through Freight House Road. Supervisor Lucia said that there was one place that ran close to the railroad right of way and they wondered if that was going to be too close. Councilman Collura said that Mr. Papa wants to cross town property or the railroad right of way. Justin said he would like a survey showing exactly where the road is going to go then he might have no problem. Jon Kelley said it is a Town policy on whether they are going to give this person a right of way over their property. Justin told the board that on face value he has no problem with it but would like to see a survey so he can be sure exactly where the right of way road is going to be. Councilman Collura said that Mr. Papa's driveway is pretty close to the railroad stone bed. Councilman Byrnes shows Justin pictures of the location of the Papa driveway. Councilman Collura asked Justin how far he wanted the road to be away that stone bed. Justin told him that it should at least be 25 feet away from the main line.

Councilman Byrnes asked what about Papa's neighbor. He said for Mr. Colson to access his property he has to go across Kyarsgaard property and the Village property. He was just asking because people will be asking about this.

Supervisor Lucia said that the way he understood it was that the board will tell Attorney Hafner to tell Papa's attorney that they have to be 25 feet away from the main line.

Jon Kelley asked what needs to be done from the Town's level to have this project go forward. Supervisor Lucia said he needed Justin to put something together that he could forward to the town's attorney for his review and approval.

Councilman Byrnes asked if the property owners such as Sweetser would be notified. They said they would and they would see that the four residents on Freight House Road would be notified. Supervisor Lucia said that also the people on West Mountain Road should be notified.

Beaver Washout

Supervisor Lucia asked Justin if he had heard about a washout approximately 6 years ago. Justin said he did not. Supervisor Lucia said the property owner adjacent to where the dam/beaver lake was that he would like to see if someone could remove the boulders that was formed when the beaver dam broke. He said the property owner wants to farm the land in about two years or so. Supervisor Lucia said that the property owner thinks it is a railroad problem. Justin wanted to know what they wanted from the railroad. Supervisor Lucia told him that he wanted the boulders removed so the pond could drain out. Councilman Collura asked how far the property was from the railroad right of way. Highway Superintendent Eggleston said it was not on the railroad right of way. Justin said they could do it but it would not be for free.

Supervisor

Supervisor Lucia said the following are on file in his office:

- Habitat for Humanity Northern Saratoga, Warren and Washington Counties
- Sales Tax Report - \$55,985.00
- Time Warner letter – changes
- Capital District of NY Chapter of the Association of the United States Army - Vietnam War Commemoration Honoring Vietnam Veterans – March 29th , 1PM to 3PM New York State Military Museum

Saratoga National/Arrow Financial Report

Supervisor reminded the board that next week's meeting would be on the Town's Comprehensive Plan.

Supervisor Lucia told the board that he received the franchise check from Time Warner in the amount of \$51,949.00.

Supervisor Lucia told the board that he had a flyer from SEDC along with their bill for \$600.00 dues. Councilman Byrnes suggested that both SEDC and the Saratoga Chamber of Commerce come to one of our workshops and tell us what they are doing and how they are promoting the Town.

Supervisor Lucia read the following letter into the record:

March 20, 2014

To All Department Heads,

We are now running a zero balance in our General Checking account. We are asking when submitting vouchers if you change the amount from what was originally requested by either an increase or a decrease, or void the voucher or a check please let the bookkeeping office know as soon as possible.

It will be imperative we transfer the correct amount of funds. There is no longer a "slush" fund in this account.

We are also asking everyone to follow Board Policy with Bill Pay being cut off on Tuesdays at noon and all vouchers being submitted to the Town Clerk. This allows for any changes to be made on Wednesday before bank transfers on Thursday.

Thank you very much for your cooperation!

Kate Halliday

Bookkeeper

Tom Bodden

Auditor

Town Clerk Farr said she never saw any bills being changed after the abstracts were done.

Town Board

Councilman Byrnes

Councilman Byrnes told the board that he had attempted to contact Stephen Guilder of the boxing club several times with no success. He said he would continue and apprise the board accordingly.

Councilman Collura

Nothing

Town Clerk

Town Clerk Farr told the board that she had received the check from Curtis Palmer and would be giving same to the Supervisor.

Councilman Brown

Councilman Brown asked if the Town was still going to purchase surveillance cameras for the Town Hall. Councilman Byrnes said he thought when the Town goes for a new handicapped door they should look at a door swipe to be activated when the Town Hall is closed. Supervisor Lucia told the board that they are looking for grant money to help since the door items are going to be expensive.

Highway

Highway Superintendent Eggleston told the board that he had taken the three quotes for the mini loader over to the attorney for his review.

Code Enforcement

Code Enforcement Officer Hickok told the board that he is just about finished with the insulation for the roof. He said he is a couple of rolls short but will get those and put them in..

RESOLUTION #113

MOTION TO ADJOURN TO BILL PAYING AND PAY BILLS AS AUDITED WITH ANY EXCEPTIONS

On the motion made by Councilman Collura and seconded by Councilman Brown the following resolution was

ADOPTED Ayes 4 Lucia, Brown, Byrnes, Collura
 Nays 0
 Absent: 1 Halliday

RESOLVED to pay all bills as shown below:

Abstracts For 03/06/2014

Voucher #3781-#3817(#3791 Void), #4625-#4646 (#4629 & 4630 Void), #5675-#5686

<u>General A/Town Wide - A</u>	\$ 34,303.12
<u>General Fund/Outside Village - B</u>	\$ 2,078.23
<u>Community Development Grant - CD</u>	\$
<u>Highway/Part Town - DB</u>	\$ 15,678.96
<u>Trust & Agency</u>	\$ 63,904.10
<u>Fire - SF</u>	\$
<u>Sewer/Water</u>	
Eastern Avenue	\$
Tranquility	\$
Passarelli	\$
Dorset	\$
<u>Lighting</u>	
Eastern Avenue	\$
Eggleston Street	\$
South Corinth	\$

RESOLUTION #114
ADJOURN

On a motion of Councilman Byrnes and seconded by Councilman Brown the following resolution was

ADOPTED Ayes 4 Lucia, Brown, Byrnes and Collura
 Nays 0
 Absent 1 Halliday

RESOLVED that with no further business the board adjourn at 6:00PM.

Respectfully submitted,

Rose E Farr, RMC
Town Clerk