

TOWN OF BARTON
SPECIAL MEETING MINUTES
June 24, 2020 – 12:00 PM

Board Members Present: Supervisor Leon Cary, Don Foster, Kevin Everly, John Tryon, and Dave Shipman

Staff Present: Fred Schweiger, Highway Superintendent; Arrah Richards, Town Clerk; Attorney Kim Middaugh

Guests: Mr. Lance Lee, New York State Department of Transportation

Pledge of Allegiance

Railroad

Supervisor Cary started the meeting by asking if our funding is going to be cut due COVID. Mr. Lance Lee, Regional Rail Coordinator out of the Binghamton Office, stated he does not have the money at this time but it is allocated for the project. The state is not going to change that. The state and the railroad both want to do it. None of the projects have been cut with any of the recent issues, they have slowed down but everything is still moving forward.

Supervisor Cary: We don't want to go ahead with our part and then not have the funding for it. **Mr. Lee:** I have been working with Norfolk Southern. We do have a partial agreement in place; we do have an estimate. We're just finishing up the details on that. But everything is moving forward from the railroad and state part. The question that would still remain is we don't have the exact funding. I can't give you an exact number. In all honesty, that changes. The number from two years ago has probably gone up but that doesn't mean that the number is going to change and the Town has to pay the difference. As everything goes up, the cost with Norfolk Southern and New York State also goes up. **Supervisor Cary:** Basically, in this project, you are responsible for the signals which is the big expense. **Mr. Lee:** We'd also be responsible for taking out the crossings which there isn't a timetable for that. It would happen after phase one of putting in the new crossings. Either they'll be taken out right away or they'll be blocked right away. Anyway they won't be utilizing those two crossings. You're responsible for the road. **Supervisor Cary:** The railroad is responsible for the actual roadway on the crossing. **Mr. Lee:** Right. **Councilman Foster:** In conversations in the past, you said you were looking into Federal 130 money to pay for this. **Mr. Lee:** Yes, that's the safety money. That's where most of this money is coming from. We work with the Federal Rail Association and most of the money is coming from there because of the slopes in the area. **Councilman Foster:** Do you have any idea when you're going to start building the crossing? **Mr. Lee:** It won't happen this season. It's just unfortunate that everything takes so long. Everything is backed up like stated before. I'm 80-90% certain that it'll happen next season. **Councilman Foster:** So some of our concern is, should we even

start any part of our end of the project until you start building the crossing? **Mr. Lee:** Your part won't be as detailed as what we're doing. As soon as we have an actual agreement in place, a contract, that's going to be a go and you can start working on your part of it. I wouldn't tell you, "Hey! We're going to do this" and then you start doing it and then come back and not do it. I would be 100% confident that our part of it, the state and the railroad, is going to move forward before you do anything.

Councilman Foster: Do you have a proposed contract? **Mr. Lee:** No. **Councilman Foster:** So we shouldn't do anything before we have a contract? **Mr. Lee:** I would wait. There is nothing wrong with drawing up some preliminary plans. **Councilman Everly:**

We'll need your plans to draw up our plans to know where to work off of. **Mr. Lee:** Right.

Highway Superintendent Schweiger: So we can't move forward without receiving your plans and a contract. **Mr. Lee:** Right. We know approximately where we'll be going but we don't have an exact spot. **Supervisor Cary:** Me, Fred and Arrah went and spoke with Chris from Delta Engineering to discuss the project. **Councilman Foster:**

This new road is going to be developed on virgin farmland. Is that going to need a SEQR and an EAF? **Mr. Lee:** I'm not real sure. I'll double check and get back to you. **Councilman Foster:**

As far as the crossing itself, you guys would be the lead agency on that, am I correct? **Mr. Lee:** Yes. **Councilman Everly:** If we decided to move forward with this project and decide to keep that Emory Chapel crossing open as an emergency crossing, would we be able to do that? **Mr. Lee:** No, they're going to cut the operations to those so they will not be available at all. **Councilman Everly:**

If we decided to forego the funding for Norfolk Southern, we pay their portion, and just work with the state, could we do that? **Mr. Lee:** I'll tell you now the plan is not to have that open, but can it be? I wouldn't give you a definite no; anything is possible, but right now the plan is to close both the existing crossings and take everything out; all the equipment.

Councilman Foster: Some of us have talked about updating our vehicle and traffic law. It's usually the big car carriers that are getting caught on the tracks out there. We were wondering if we could update our V&T law to not allow anything greater than 40 feet in length can go out there. Put a sign up down by where the houses start and if they get caught on the tracks, it'd be their fault. **Attorney Middaugh:**

The most updated order from the state specifically states, the "permanent closure of Ellistown Road" and the "permanent closure of the crossings at Emory Chapel" due to safety issues. Based on my interactions with them is that if you leave them open, you would not be in conformance with the orders and get this cooperation that he's going to need if you left Emory open. **Councilman Everly:**

I wasn't suggesting leave it open, I was suggesting leave it open for emergency purposes only instead of using the highway department. **Highway Superintendent Schweiger:** Is that something that could be discussed in the contract? **Mr. Lee:** I'm not going to tell you absolutely no, but right now it is a no. I will take that back. We want what is safe and that, according to the profile, is considered not safe. We're putting in a whole new crossing to get rid of the unsafe crossing so it doesn't make a lot of sense to keep one of the unsafe crossings.

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Councilman Tryon: How does it work when someone's private driveway goes across the railroad tracks? Is the landlord responsible for those or is it the railroad? **Mr. Lee:** The

railroad has a right-of-way but I'm not sure how far it extends. I don't think it goes into people's driveways. **Highway Superintendent Schweiger:** I think what Councilman Tryon is trying to say is the driveway goes right across the tracks. **Mr. Lee:** Those are private crossings. I'm not sure if they even have an agreement with the railroad. It's not even marked with a crossing number. In all honestly, I don't take care of the private crossings so I don't really have an answer.

Supervisor Cary: It does look like if push comes to shove, the Judge said the emergency crossing or the emergency exit, get this crossing done, there isn't a big deal that I see, and we have gates up there right now. If you have an emergency, with the proper people, the firemen, the emergency people would have a key and get them opened right up. It may never happen. **Mr. Lee:** I know the big concern is the trains being stopped on the tracks. How often are trains stopped and for how long? **Supervisor Cary:** It doesn't happen as often as you'd think. **Highway Superintendent Schweiger:** I know you tried to call and find out. **Supervisor Cary:** I would've thought they would have that information but they didn't want to reveal it if they did have it. **Councilman Foster:** It sounds like you want the Town to wait until you get things squared away on your end. **Mr. Lee:** I would wait. It is going to happen. I'm moving it along as quickly as I can. The federal money is still there. **Councilman Foster:** Some of us were wondering if you go ahead and fix the crossing then we can move on the road when we financially can. One thing, Fred was saying is our CHIPS money is off. **Highway Superintendent Schweiger:** It's down 20% for now. My biggest concern is, are we going to have enough funding to fund the projects we have now. **Mr. Lee:** I know you're concerned we've cut the CHIPS funding, are we going to cut the other funding? All funding is not created equal. There is different pots of money and we don't take from one and give to the other. Money for the railroad for safety reasons are set. **Councilman Foster:** The money you're getting from the railroad to put up the crossings, can we use some of that to build this road? **Mr. Lee:** No. Even if I had \$500,000 and the crossing cost about \$300,000, that \$200K would have to go back. **Highway Superintendent Schweiger:** You're going to cover the crossing no matter how much it is? **Mr. Lee:** Yes. And I'll ask about the crossing at Emory Chapel. **Supervisor Cary:** Is that \$15,000 that the state was going to give to the Town, is that still a go? **Mr. Lee:** Anything that we had there before is still there. You told me that was something that was from way back before. It is a percentage. I'm sure, like all our numbers whether the price goes up or down, the percentage will be the same. **Highway Superintendent Schweiger:** That \$110,000 from the railroad is just for the crossings? **Mr. Lee:** Right. **Supervisor Cary:** That \$110,000 is for closing those other two crossings. **Mr. Lee:** I wish I had more answers for you but everything is in place, everything is moving. There isn't going to be a stop. **Highway Superintendent Schweiger:** So you're saying you're still going to move forward, the funding is going to be there, the timetable is variable (maybe next year or could be the year after). **Mr. Lee:** I'm hoping it'll be next year and not the year after. Once you get all this in place, it should get moving. This is the tough part, getting everything up to that point. **Highway Superintendent Schweiger:** Would it be reasonable for you to give

us a go ahead? This next spring say, yes we are going to be moving forward this year; or no, so we know how to allocate our funding? **Mr. Lee:** Absolutely. That is very fair. **Town Clerk Richards:** Should we talk about SEQR? I had emailed part one of the SEQR to Leon Jackson, according to Elaine (Jardine) and he replied he did not feel as if he should be classified as the project sponsor or applicant. Earlier, it was noted the state was going to be the lead agency. **Councilman Foster:** The Town will be the lead agency on the roads because that's our property. Wouldn't we be the lead agency on that part of it? **Mr. Lee:** I believe but I'm not sure how that will go. **Town Clerk Richards:** But it's all one project, right? **Councilman Foster:** Right. **Town Clerk Richards:** Would we need to do two SEQR's? One for the crossing and one for the land? **Councilman Foster:** I don't know if you would have to do a SEQR on that. **Mr. Lee:** I'd have to check with my Environmental Unit. We do that on all our projects. **Town Clerk Richards:** With this form, there is nothing we have to do at this point? We don't do any SEQR's at this point until we get a contract/agreement? **Councilman Foster:** I don't have a problem doing a SEQR now. **Town Clerk Richards:** So the Town of Barton will take lead agency on the SEQR for the road. **Councilman Foster:** For the road on out to the field, yes. **Town Clerk Richards:** And also on the other side since it's all one project and you have to put stop signs over there? **Attorney Middaugh:** If you're having engineers help you, I would bring them in the loop on that. **Supervisor Cary:** They're going to give us a tentative price on that. **Highway Superintendent:** He was also going to work on angles since he has that software program. **Mr. Lee:** Who was going to do that? **Highway Superintendent:** Chris. **Supervisor Cary:** He said he'd have something this week for us. **Town Clerk Richards:** So once we get the plans from the engineer, we can move forward with our SEQR and get it in front of the Planning Board. **Mr. Lee:** With what I'm doing, it doesn't have that much to do with what Chris is doing, but do you have any objection with me talking to Chris about the project? **Supervisor Cary:** No, that's how we get things done. **Mr. Lee:** We've been on other projects together. **Highway Superintendent:** So you two will work out exactly where to put that cross section? **Mr. Lee:** Yes, I'll get with him.

Other Business:

The Village had recently called the Sewer/Water Clerk and informed her they had raised their sewer rate by \$0.25. The Town should consider doing the same so that it doesn't come out of the budget. The Town Clerk will draw up a resolution for the next monthly Board Meeting.

Ron Keene had given the Town Clerk a document detailing fees the Village charges in regards to cemeteries. The Village collects the fee, keeps a portion of the money and then pays a contractor to open/close the grave. The other item Ron mentioned was possibly adding perpetual care to the fee list to help offset the ever-growing costs of maintaining cemeteries. He mentioned many other municipalities are doing this. The Town Clerk added we don't want to continue raising or adding fees but we need to cover the cost of maintaining these cemeteries. **Councilman Everly:** People who

already paid for the cemetery property, they're already paying for that through their taxes. Then you tax them again. It'd be like double-taxation. If you have had a previous burial, they'd be grandfathered in, right? **Town Clerk Richards:** Right. **Councilman Foster:** They don't pay any taxes on that. It is part-town, so it'd all be done through fees. **Supervisor Cary:** It works out if you own, or start, a cemetery, it works out alright where you can put that money aside for perpetual care. **Councilman Everly:** How many burials have you done in the past year? **Town Clerk Richards:** I looked it up the other day and we've maybe opened six in the last four years. **Councilman Everly:** so it's not that many. **Councilman Everly:** So it seems like we should do some sort of permit fee or some sort of fee then leave the individual to talk to the contractor, as long as we have an approved list of contractors. **Supervisor Cary:** I vote for that. The cemeteries are getting full so we may have more burials coming our way. **Councilman Foster:** We're getting a lot more people getting cremated now. **Highway Superintendent:** Yes, it's a lot cheaper. **Councilman Everly:** How many lots do we have, any idea? **Supervisor Cary:** Oak Hill can go all the way to the road. Reniff - we have another acre or two up there. Supervisor Cary found out in Nichols, if a person is cremated, they put the headstone right on top of the cremation. **Highway Superintendent:** I've heard graveyards being setup just as cremations and burial.

Motion to adjourn meeting at 12:40 pm made by **Councilman Don Foster** and seconded by **Councilman Kevin Everly**.

Respectfully submitted,

Arrah Richards

Town of Barton Clerk