

The February 16, 2012 Public Meeting for the Norfolk Southern Railroad was called to order by Supervisor Wormuth at 3:00 pm in the A. James Bold Meeting Room at the New Town Hall with the following members present:

Melinda A. Wormuth, Supervisor
Walter F. Polak, Councilman
Paul L. Hotaling, Councilman
Craig A. Hayner, Councilman
Lyn A. Murphy, Town Attorney
Lynda A. Bryan, Town Clerk
Michael Bianchino, Clough Harbour Associates
Planning Board Members, Steve Watts, Jeff Williams, Lindsay Zepko
Code Enforcement, Stefan Buck
Zoning Board Member, George Hansen
Stillwater Town Supervisor, Ed Kinowski

Matthew J. Chauvin, Deputy Attorney-excused
John P. Wasielewski, Councilman-excused

The Supervisor opened the Public Meeting at 3:00 pm and welcomed everyone.

Supervisor Wormuth said that the purpose of this meeting was to allow a time for the residents from the Town of Halfmoon to come and voice many of their concerns to us as a Board, but we also felt that Norfolk Southern had a right to hear their concerns directly. I would like to welcome Supervisor Konowski from the Town of Stillwater. As I have promised, I have been in constant conversation with the Supervisor's from the other towns that are involved in this also.

Jeanette Anglin, 11B Fairway Drive, has spoken before and voiced her concerns on the noise level, the aesthetics. She lives on the ridge over looking the facility and has no trees, nothing behind her except the view of the facility. She has 3 business cards from people who came here several years ago who made promises to them about the quiet. She is not sure if they are here today.

Supervisor Wormuth spoke up and said that she will have Mike Fesen come up and introduce the folks here from the railroad.

Jeanette Anglin, said that the three people who came were David Becker, Darryl Wilson, and Ronald O'Blennis, who came to their homes, looked at everything and promised them that it was going to be peaceful, quiet and wonderful, and obviously that is not the case. The new mufflers on the cranes have reduced some of the noise, but there is still the noise of the containers being moved. She loves being on her deck and fears that will not be happening again.

Supervisor Wormuth thanked Jeanette and said that we understand your concerns and you have shared them with many of us. This is one of several meetings that the town will be having on this. She introduced the Town Board, Planning Board Members and Code Enforcement. Mike Feson, Government Relations, introduced the gentlemen from Norfolk Southern:

Mr. Dave Pidgeon, Public Relations
Mr. Paul Dean, Director Intermodal Equipment
Mr. Phil Scott, Division Manager, Intermodal
Mr. Dave Becker, Assistant Chief Engineer Project Planning

Wayne Allan, 7A Fairway Drive, owns 9C Fairway Drive spoke about the noise, which started on Jan 2, that woke he and his neighbors and continued for 2 weeks. He placed a meter outside his bedroom window, which read 91.5 decibels and one on his sunroom with the windows closed which was 63.5 decibels. He hears the noise of the operation all day long, which is louder than his TV. He states that their property values have gone down approximately 20%. He also states that when the project started they used explosives and were never notified when that was going to take place.

Stillwater Town Supervisor Ed Kinowski stated that he has concerns from 4 residents. 3 are along the 67 arena and know the rail activity and the sounds of the trains. What was new to them was the truck traffic and the jake braking. We would like to have signage on 67 and to improve the jake breaking process. He was happy to hear about the mufflers being put on the cranes. He also told his residents to call him at work or at home with any concerns. He had 4 complaints from a total of 62 residents in that area.

Bill Gaes, 13 C Fairway Drive, his concern was not only the noise but the vibration created by the cranes putting down their payload. The house actually shakes and wakes you up at night.

Supervisor Wormuth asked Mr. Gaes if he has noticed any cracking in the sidewalks, paint in your home, foundations, and structural damage?

Bill Gaes, says that he does have a small leak in the water main coming into the house and is going to have a Plumber look at it

Supervisor Wormuth had Mike Feson from the railroad do their presentation

Mike Fesen from the Norfolk Southern Railway gave his phone number 717-319-6870 email address michael.fesen@nscorp.com . About 2 weeks ago Supervisor Wormuth had contacted him to come up and talk about the noise in the Intermodal yard. Several people talked about the issue and made some changes. This is a joint effort between Pan Am Southern and Norfolk Southern. The facility is now open and will be busier soon.

Supervisor Wormuth asked Mike Feson if he could give a timeline for the improvements, as the residents do not know what those changes are and how long they have been implemented. Some residents have said that there is a difference.

Mr. Dave Becker was one of the folks who came up for the previous meetings in the past 3 or 4 years. He is from the Engineering Department. He said that this spot is the old Boston Maine Delaware & Hudson rail yard site, largely in the Town of Halfmoon and had what they were looking for. They talked about it being a 24/7-railroad operation. The automotive part of the operation, which won't be up until late in the second quarter, will be a daylight operation only.

The key concerns were of noise, lighting and traffic. They looked to see what would be the best way to address these items. Truck impact – they will be putting up signs on Route 67. Jake braking - they agree that they do not like that either but will talk to the drivers with educational things to try to get that lessened. As far as lighting, they have a lighting plan consisting of downward cast lighting on 85% of the lights in place at this time. What is seen now is what will be seen at the finish. The last issues are the issue of noise. They knew that there would be a noise increase because they were

coming from a vacant rail yard to a functioning yard from both trains and the equipment coming in and out of the yard.

There were concerns about the type of equipment to be used. They used all new equipment with noise suppression. The backup alarm noise on the trucks is a safety feature for the employees under OSHA guidelines and Federal Law. They are trying to limit the use of the alarms. He did explain that during the first weeks they did have some issues. They heard from the Town Board and realized there were bigger issues that needed to be looked at. There are some things that they cannot do anything about. They cannot put in a mature tree line so they did the next best thing by the downward cast lighting and not having them be directly shining into the homes, which was one of the concerns.

Mr. Phil Scott, Division Manager for the Intermodal Operations in Mechanicville. He reiterated what Mr. Becker previously stated about it being a 24/7 operation. He said that he would pass the information over to the terminal people about the noise and the jake brake situation and will educate the drivers about it to help reduce that. Paul Dean will discuss this further

Mr. Paul Dean has a Power Point presentation of the RTG Cranes. He spoke about the actual equipment that had been added and has a time line. A feature that they previously did not have on any of their equipment is Power on Demand. It is like your car; power generated when you need it. Most of the RTG equipment is either in idle or full idles, which means it is either 1000 rpm's or 2100 rpm's. They replaced the original muffler with a new one, which has a 28-33 decibel reduction.

Time line; Jan. 16th date operation started, Jan. 27th the date the date he got involved with the noise issue, Feb 1st, approval from Cummings the manufacturer and the engineers, ordered the sound proofing insulation, Feb 8th, the product came in on time, it took 6 days to actually get the mufflers into the country. The insulation was installed on the 8th; they finished the first crane on Friday Feb 10th, they finalized the second crane on Monday Feb 13th

Dianne Campbell, 8A Fairway Drive asked if they measured the noise before and after the installation of the mufflers on the cranes?

Mr. Paul Dean said that they did not measure the noise level coming out of it before or after. He was over there today and they exercised the machine and he was amazed. It is pretty much as advertised, but does not know the decibel reduction.

Supervisor Wormuth said that the Town had requested that Clough Harbour put noise study materials down there to do a 12-hour testing, although what was submitted in the ENA was a 24 hour testing, so the testing methodology is not apples to apples. We have asked them to have the equipment back up here and do several 24 hour testing to get an accurate picture of what's going on so that we do not test on a quiet or on an off night.

Supervisor Wormuth said that a resident had asked if the railroad knew what night the study was going to be conducted. No, we did not know when the testing was going to happen until they called and asked 4 hours before they came.

Mr. Carl Schlomberg, 13A Fairway Drive asked if they looked into electric operated cranes? Silent cranes.

Mr. Paul Dean said that the electric cranes would be for 4-track rail yard and they only have 2 so they were not considered.

Mr. Carl Schlomberg said that possibly 9A would be a good central location for testing.

Supervisor Wormuth said that we talked about doing several 24-hour studies and in different spots to get a good representation

Mr. Carl Schlomberg said the projections in the finance document had a projection for the day/night average noise level that we could see. He asked if they had meetings to let the residents know what to expect before operations started, or any measurements since they have started operations.

Mike Feson said that no they have not done a noise study. They did have meetings as part of the SEQRA process in January with the Town.

Mr. Carl Schlomberg asked if anyone from the Railroad could answer if they felt that the finance documents

Mike Feson said that the study was done by an independent 3rd party as part of the Federal process that we had to go through to create the entity known as Pan Am Southern LLC. We had to go through a Federal review process. We identified that we were going to build a terminal constructed in the Town of Halfmoon, Mechanicville and Stillwater. They did a standard computerized noise study. It was based on industry standard equipment, the results that were obtained from that, under the Federal guidelines, the conclusion was that there was not an adverse impact. We stood by the study that was conducted by this Federal Agency. We believe what we have constructed is what is in that study

Mr. Carl Schlomberg asked who were the engineers that did the study

Mike Feson said that the company that did it was ICF International.

Mr. Carl Schlomberg said the results of the study said that it should be between 55 and 62 decibels, the day/night average.

Mike Feson said that he is not a noise expert, but his understanding of the regulations that if there were a day/night decibel above 65 and a 3-decibel change. The study was done; the results indicated that it was not the case. We did not have reason to believe that we had to do further noise studies. We responded to the concerns, went back because we wanted to be a good neighbor and said, "What can we do to help mitigate that concern?" We went as quickly as possible and invested in additional equipment.

Mr. Carl Schlomberg said the project is not finished. Any noise louder than 50 decibels is an impact. By design it is noisy. Make sure the initial EA is correct. Please have your engineers discuss with us and work with us. As far as the EA goes, we had a street Camber Court to add to the list of resident's complaints.

Supervisor Wormuth said that I do not think that those homes were built when you came. We will show them where they are and provide you with the complaints.

Mike Feson said that you have my commitment. You have my phone number you have my e-mail. We have made changes with the equipment with the new muffler. You should see changes and the drop in the noise.

Dave Allen, Environmental Assessment Form, specifically Section D, noise. You list noise generators, the cranes, locomotives, the switch engine noise, and an automobile loader. Knowing what you do now about the cranes, as you bring new equipment in, are you going to test it and make sure we do not have to go through the same routine? The form indicates that the noise from the automobile loader is louder than the cranes.

Mike Feson said that they don't anticipate adding more testing to it, we think that we have a pretty good idea of the sound coming from those machines and it is within the assessment and it should not be over those numbers that were part of the assessment.

Dave Allen, if you come across the same situation again with the new equipment, are you going to address it?

Mike Feson said that we did hear from the residents and we responded. With the new equipment, if there is a concern and we hear from the Town of Halfmoon or the residents, I will be the one responding.

Dave Allen, you can go by all of the standards, but there is another standard, which is annoyance that the people have to live with every day. It is not always decibels; it is what level people are annoyed with.

Are you at a full build out yet? When will that be? How many lifts per day are you going to do?

Dave Becker said right now we are doing about 120 lifts total per day. I do not know what the future will be.

Dave Allen, when will you be done?

Mike Feson said the end of the second quarter, which would be the completion of the automotive facility. We started the Intermodal operation back in January; we had the initial operation going on. As the year goes on we will be doing additional Intermodal traffic there. We brought the first group of traffic in which is what is being handled there now. There is some additional traffic that will be handled going to points east.

Dave Allen, said that he has come across some information from your company that states you are going to do 35,000 lifts per year and handle 3000 vehicles. I do not know why it was not in this application.

Mike Feson said the facility that is being constructed is what we went through the review process. The document that you are referring to is for another project in New York State and it is a grant application. Grant applications typically are forward looking for many years. One of the reasons why the Mechanicville site was chosen because it was a property that was large enough, if and when expansion does become needed, which is way down the road, we would have building to do that. It should be done early June of this year is the best that we can say.

Dave Allen, said do you ever anticipate idling trains on this site?

Mike Feson said yes we do anticipate that there will be idling trains on this site. Locomotives need to idle from time to time. Idling occurs in locomotives

for a number of reasons. One reason is that train may need to leave, so the locomotive needs to be operating. They operate with air brake pressure. Every car on that train is part of the braking system. To keep the brake pipe pressure up, the train has to idle. Also at the same time, we are moving sometimes within the yard the trains will have to idle. The locomotives do not have any antifreeze. In the wintertime when the temperature drops below 35 degrees, the engine has to run in order that the block not freeze.

Dave Allen, said the original track moved from the north to the south, which is at the base of the Fairway. By doing that you have actually moved the sound closer to our homes. I had a meter reading in my bedroom window as the train came through and measured it at over 91 decibels. They are now blowing the horn as they come through the yard. Is that going to be a standard practice?

Mike Feson said yes horn blowing is a safety feature. The Engineer and the Conductor have that feature and we want them to use it and use it frequently. If there are people out there on the tracks, etc., we want them to blow the horn. There is also a law that we are required to blow at crossings. There are many different trains that go through and I cannot answer for them. We understand that we may wake somebody up, but it might also get somebody out of the way. It is only to be used as a warning devise.

Mary Ellsworth, 5B Fairway Drive, right opposite the cranes. I understand the noise, but the view is horrible. If I wanted to sell my house no one would buy it looking at that view. What can you do?

Mike Feson said that there is not a general consensus as far as what a solution would be, a berm or landscaping. We do not own the land outside of your building. There was not a solution to be found, not a consensus.

Jeanette Anglin, 11B Fairway Drive, said the majority of the residents want something done about the view, the esthetics, do something to be good neighbors. Plant bushes behind our houses, put up a wall.

Mike Feson said I would be happy to talk to you call me you have my phone number.

Dianne Connally, 8A Fairway Drive, this is an area where empty nesters live. There was a waiting list to purchase these townhouses. I want to be a good neighbor, but my dog is constantly barking because of the noise. We were not notified when they did the blasting. 911 was bombarded with calls. We have cracks in the streets. We have been impacted. The 18-wheelers idling emit fumes as well as the noise.

Phil Scott said that they do not allow them to idle

Supervisor Wormuth stated that there is a State Law that allows a truck to idle for a certain amount of time at a certain temperatures.

Dianne Connally said that Public Relations should have given us notice when they were going to blast.

Bruce Tanski, Clifton Park, said that I am there everyday even though I do not live there. I have been there at night, and yes there is noise. We need to look at the time of year. We do not have leaves on the trees, no snow; it's brisk and sound travels. Let these guys try to do their mitigation the best they can. Let's give them the opportunity to go through a cycle, spring and summer. Lets work together. I have worked with some of you and your

townhouses and we have worked together to fix things. The railroad is under no obligation to be here and yet they are. Let's give them the opportunity to do what they do. As far as esthetics go, this place was terrible before they came. I think at the end of the day this will all work out and I will be of any help that I can.

Supervisor Wormuth said to Mrs. Connally about the cracks in the road, that they have had the engineers look at it as well as the Highway Superintendent and the builder who has maintenance bonds on those roads, and they don't feel as though the cracks were do to the blasting. They feel it is normal heaving from the frost in the ground. The town did ask them to explore that issue because those roads will eventually become the property of the Town and did not want to spend taxpayer's dollars if it was something that was caused by a private entity. We will continue to look at it.

Mr. Carl Schlomberg said that he would like to talk about the landscaping. Visual help has been requested and it is an easy fix. We would like some help to mitigate the noise. We want your commitment today that you will do that.

Mike Feson said that I cannot make a commitment because I do not know what to bring back to the company to make a commitment. I do not know what is being asked for or what is wanted.

Mr. Carl Schlomberg said that he was sorry and he will clarify. We want something that will protect the views from these houses. We want some action on your part to reduce the noise, like the muffler.

Mike Feson said as far as the noise, we are here and we have made changes. You should see some change in the noise. Some is going to be there, it is a working rail yard. As to the esthetics, I cannot make a commitment until I know what I am committing too, if anything. Some people don't want a wall; they want to see the valley.

Mr. Carl Schlomberg said if it is too hard for you, I would do it. We want to see an effort.

Supervisor Wormuth asked Michael, the second muffler was installed on Monday? We will have Clough Harbour out over the next 30 days, at different points, doing more than one 24-hour study so that we can compare the decibel levels of what is being produced now while you are up and running and as you add the automotive – Intermodal piece to it and get some ideas of where we are really at and do some information sharing with all of the folks.

She asked for all residents to be on the mailing or email list, and to please do that with Lisa. We will share that data with you and then regroup. If something comes up that is an abrupt difference, something that really affects the quality of life, you will hear from me a lot sooner than that.

Dave Allan said, that we are not talking about individual pieces of equipment. We are talking about a cumulative impact on multiple pieces of equipment.

Supervisor Wormuth said that is why we are going to do this at different times and different spots to get a clear picture. The Surface Transportation Board has a mitigation unit that will work with the Town if necessary. Norfolk Southern and Pan Am Rail have both willingly said that they will be receptive and reactive to it. To this point we haven't expended town funds on any of this testing. It is part of them proving that they are being good neighbors.

Dave Allan said, that we would like a copy of the engineering analysis of 2 years ago. I am sure that the railroad must have it.

David Pidgeon, Manager of Public Relations for Norfolk Southern Corporation said that he does not have a copy of the report with him right now. If you would like to have a copy, but Norfolk Southern, Federal Government, you have to have the Federal agencies oversee

Supervisor Wormuth asked Mr. Pidgeon if you could provide that to the Town, we would be happy to put it on our website and make it available to not only our town employees, but any of the residents who would like to access it so it does not have to be FOILED. If you could just provide that to my office, we will take care and make sure the residents have access to it.