

**ENFIELD TOWN COUNCIL
MINUTES OF A SPECIAL MEETING
MONDAY, JUNE 7, 2021**

A Special Meeting of the Enfield Town Council was called to order by Chairman Ludwick on Monday, June 7, 2021. The meeting was called to order at 5:30 p.m.

ROLL-CALL – Present were Councilors Cekala, Hemmeler, Ludwick, Mangini, Muller, Riley, Sferrazza, and Unghire. Councilor Szewczak joined at 6:00 p.m. open session. Councilors Bosco, and Cressotti were absent. Also present were Town Manager, Christopher Bromson; Assistant Town Manager, Kasia Purciello; Town Clerk, Sheila Bailey; Town Attorney, James Tallberg

MOTION #5810 by Councilor Mangini seconded by Councilor Muller to go into Executive Session to discuss Pending Litigation and Real Estate Negotiations.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5810** adopted 8-0-0.

EXECUTIVE SESSION

The Executive Session of the Enfield Town Council was called to order by Chairman Ludwick at 5:31 p.m.

ROLL-CALL - Present were Councilors Cekala, Hemmeler, Ludwick, Mangini, Muller, Riley, Sferrazza, and Unghire. Councilors Bosco, Cressotti and Szewczak were absent. Also present were Town Manager, Christopher Bromson; Assistant Town Manager, Kasia Purciello; Town Clerk, Sheila Bailey; Town Attorney, James Tallberg; Town Attorney Mark Cerrato; Deputy Director of Economic and Community Development, Nelson Tereso joined at 5:45 p.m. and left at 5:55 p.m.; and Director of Public Works, Donald Nunes joined at 5:55 p.m.

Chairman Ludwick reconvened the Special Meeting at 6:00 p.m. and stated during Executive Session the Council discussed Pending Litigation and Real Estate Negotiations with no action or votes being taken.

SPECIAL GUESTS

The following representatives from the Department of Transportation were present:

Garret Eucalitto, Deputy Commissioner
Richard Andreski, Bureau Chief-Public Transportation
John Bernick, Assistant Rail Administrator
Yure Kuljis, Assistant Rail Administrator
Julie Thomas, Supervising Rail Officer
Steve Curley, Supervising Rail Officer

Mr. Bromson noted this is a discussion on the rails to trails issue. He stated there was a lot of interest in this topic.

Mr. Eucalitto stated lots of communities focus on how they can utilize a freight line going through a community. He noted there are lots of different levels involved in this discussion because it is not just a State issue.

Mr. Andreski stated the DOT representatives present this evening are the key people that have a role in overseeing the operation that has been developed in the freight/rail system. He noted there is a deliberate approach that needs to be taken. He stated even if the freight rail service is very limited in nature and scope, it is protected as interstate commerce. He noted there is a rigorous process that needs to be followed to consider alternative uses of a rail corridor.

Mr. Bernick explained the current existing system, the operations and infrastructure. He noted this system is commonly known as the East Longmeadow Secondary and Central New England Railroad is the operator across that territory. He stated for most of the minor maintenance, including the majority of the track work, they rely on the freight operators to accomplish that and those are the terms of the lease that they have with them. He noted the bridges are inspected visually yearly, and they have load ratings done every three years. He stated any major maintenance that would be beyond the capability of the freight operator to handle would fall upon Connecticut DOT as part of their capital program based on priority.

Mr. Bernick spoke about how much state funding goes into the freight lines for either operations or capital. He referred to the capital side and noted that unless something shows up on their five-year capital program, they are not subsidized unless there is a bridge replacement or major bridge rehabilitation required, in which case CT DOT, as the owner, becomes responsible. He noted they do provide support in the form of scrap materials that come off the main rail line.

Mr. Eucalitto stated his understanding their agreement still provides a subsidy for operations whereby the operator will provide DOT with a portion of their revenues from the operation, and Ms. Thomas responded that is correct.

Ms. Thomas then explained the process for requests to use State property for trail use with the following steps:

Step 1 - Town Submittal to CT DOT:

Conceptual Trail Design

Preliminary layout

Points of pedestrian access to railroad right-of-way

Step 2 Information Sharing and Feasibility Analysis

- Review RR Val mapping
- Location of RR X-ings/turnout/yards/topography and site line impediments
- Safety considerations-protective barriers-safety improvements
- Existing operations and potential impact to future operations
- Legal/STB considerations/dual use/abandonment

Step 3 – Trail Design Development

Design approval process, entry permitting, agreements and legal processes

Step 4 – Next Steps

- Town request for trail use
- CT DOT Consultant Assessment

Councilor Mangini referred to Step 3 and stated her understanding at some point they will be looking at parking for people who wish to use the trail. She stated she wants to be sure that at some point the parking issue will be looked at. Chairman Ludwick agreed that certainly would have to be taken into consideration.

Councilor Riley referred to Step 1 and questioned if they are in that phase right now, or does it need to be a more formal request. Mr. Eucalitto stated Step 1 would be an actual submittal and more work would need to be done by the Town to submit that to DOT.

Councilor Sferrazza stated he had previously asked the Economic Development Director if she felt the ability to provide a rail service for a business could be a significant economic impact for the town by growing the grand list, and she responded it would be huge. He questioned whether DOT agrees with that statement.

Mr. Bernick stated as the DOT, they work with all forms of rail use, both passenger and freight, and they are working to develop and hopefully deliver a passenger rail system for Enfield in Thompsonville. He went on to note that freight rail is very important in the intermodal system. He noted the opportunity to use freight rail means fewer trucks on the interstate highway system and secondary roads, therefore, it is critically important, and there are certain types of uses that are much more conducive to freight rail than for trucking. He then referred to the Farmington Trail, and noted there are some small businesses that have popped up around those trail heads, and they are very busy in the summer months.

Councilor Sferrazza stated there was a lot of discussion about this project a few months ago, and one of the concerns was it was not known how often this freight train would be traveling through town. He noted since then, he learned the actual user is planning one train per week. He stated his understanding that so far, they have one user trying to promote a green energy project with a

biofuel, which reduces greenhouse gas emissions. He stated in the future if there were other users, DOT would have regulatory authority over any future uses in terms of what is being transported and how often freight is being transported. Mr. Andreski stated the freight company that operates on that line has the right to serve customers on the line, and the DOT would not come between a rail provider and its relationship with a rail customer. He noted that relationship is protected by the Interstate Commerce clause. He went on to state that in a change in use scenario, there would be a notice to all potential effected parties. He noted the actual regulation of the railroad itself is handled by the Federal government and not the CT DOT.

Councilor Sferrazza stated the proposed use so far is for a green energy product, which is biofuel, to reduce greenhouse gases, and it is his understanding Federal standards do not classify that particular product as a hazardous material. Mr. Andreski stated that is correct.

Councilor Cekala questioned if the procedure is the same if the Town would want to propose just a trail or if they wanted the rail and the trail. Mr. Andreski stated with just the trail, it would require going to the Federal government to do a rail abandonment, which would require proving to the Federal government that there is no usage or economic viability of that freight line. He noted after that, in order to use State property, the Town would have to follow steps to interact with the DOT to get access to using State property.

Councilor Szewczak questioned the date of the last inspection on the Scantic River Bridge. Mr. Bernick responded November 2020. Councilor Szewczak questioned the result of that inspection, and Mr. Bernick responded the rating was overall fair, and there are some minor repairs that need to be done. Councilor Szewczak questioned if that includes the piers and the underground foundation system, and Mr. Bernick responded yes and noted the piers were actually reinforced recently. He added there is some deterioration up on the bridge seats, and that is the subject of one of those repair memorandums that he spoke about.

Councilor Szewczak questioned why this rail went dormant and has not been used for over 25 years. Mr. Eucalitto stated a portion of the line is active. Councilor Szewczak stated the portion they are discussing has been dormant for about 25 years. Mr. Eucalitto stated it is not due to condition, but rather it would probably be due to economic factors.

Councilor Szewczak questioned if an analysis can be done on the land along this rail. She stated her impression they would be bringing in raw goods, manufacturing them there and bringing them out on a train because bringing them in on a train and distributing them from a certain point does not lower truck traffic. She noted she does not fully grasp how trucks are being taken off the road.

Mr. Bernick stated if they did not have the rail, they would have to bring the raw materials in by truck, so a manufacturing facility incentivized by the use of rail would have truck traffic both ways. He noted having an active rail line is an incentive for certain businesses to locate in those areas because they require either materials coming in or a lot of materials being shipped out, and the biofuel is a good example.

Councilor Muller referred to the trail design and questioned if the Town would hire the consultant, and would the DOT work with that consultant. Ms. Thomas stated the municipality prepares the study for the trail, and DOT reviews the study and provides feedback.

Councilor Unghire questioned if there is a rule of thumb concerning the distance between a rail and a trail, and who decides if there is enough room to have both. Mr. Curley stated they like to have a minimum distance of 25 feet from the center line of the track. Mr. Bernick added they do look for some sort of physical separation such as a berm, ditch, or fence. He noted the downside of these trails is that there tends to be a degree of complacency, therefore, they would need to treat this just like they would any other rail line.

Councilor Unghire questioned who would decide if there is enough room for both to exist, and Mr. Bernick stated that would be a collaborative discussion between the State and municipality.

Chairman Ludwick questioned whether this went back out to bid after 25 years of doing no work on the rail. He questioned how was the current leasee selected. Ms. Thomas stated this did not go out to bid.

Chairman Ludwick questioned how much tax money has been used on that rail line over the past 25 years, and Mr. Eucalitto responded very little because freight rails are not largely supported by government.

Chairman Ludwick questioned if a leasee's performance is part of the lease. He noted the Town is curious because it was dormant for so long, and when the Town showed some interest in a trail, all of a sudden, the rail is going to open.

Chairman Ludwick stated East Longmeadow is looking to actually extend their trail to the Enfield border. He questioned if the train would stop at the border, and how will it turn around. Mr. Eucalitto stated one portion of the line is not currently active, but other portions are.

Chairman Ludwick stated his understanding DOT would speak to the abutters if a trail were opened, and he questioned if they would speak to the abutters if a rail line was opened. He questioned whether abutters have any rights. Mr. Eucalitto stated the rail existed and has rights by Federal law.

Chairman Ludwick questioned whether a structural engineer signed off on the bridge, and if it opened tomorrow could it handle an 80 to 100 ton train. Mr. Bernick stated that is the purpose of the bridge rate. Chairman Ludwick questioned whether that's public information, and Mr. Bernick indicated that information can be shared. Chairman Ludwick stated he would appreciate it if that information was shared with the Council.

Chairman Ludwick stated he inspected that bridge himself and noticed the concrete is cracked on three of the columns, and there's rebar showing on all four of the columns. Mr. Bernick stated those items can be repaired. Chairman Ludwick questioned if it is currently structurally safe, and Mr. Bernick stated they would probably want to do repairs in advance of any freight traffic.

Chairman Ludwick stated he would be a little concerned if tax dollars are used to fix a rail that they cannot have a trail on. Mr. Eucalitto stated taxpayers' dollars are used on roadways.

Chairman Ludwick stated the last time DOT was coming to do a project, there was a public hearing and people actually voted on whether they wanted that project. Mr. Eucalitto responded because this is grandfathered by Federal law and interstate commerce existed long before roadways existed.

Councilor Riley questioned whether DOT regulates the hours and speed of freight lines. Mr. Andreski stated the train speeds and hours are handled by the carrier and arranged with the customer. He noted DOT does not get involved with that.

Councilor Riley questioned if there was a trail along the rail, who would be responsible if the train derailed or there was spillage from a freight train that flowed into the trail. Mr. Eucalitto stated there would be an investigation to determine the cause of any accident to learn who is liable.

Councilor Riley questioned whether the Town would be responsible to have the proper run-off track to this rail line if a business wanted to locate in that area. Mr. Eucalitto stated that would be between the operator of the railroad and the business.

Chairman Ludwick referred to the lease and questioned whether the State regulates how much the leasee can charge someone who wishes to use that line. Ms. Thomas stated DOT does not get involved with the business between the railroad and the customer. She noted the only time they would get involved would be if they need permission to construct something on State property in order to get a spur track in to facilitate use on the line.

Chairman Ludwick questioned why there would be a scenario where they would use taxpayer money to fix the line. He questioned where does the State money come in to help. Mr. Eucalitto responded only in very large significant structures. Chairman Ludwick stated his belief the Scantic River Bridge would qualify. Mr. Eucalitto responded yes, but it is rated as fair right now, so it is probably not one they are going to be adding to their capital plan anytime soon.

Chairman Ludwick referred to the economic development that happened in Simsbury as a result of their trail. He noted he is not against a rail, but he believes they need to be up front. He stated if the rail is opened up, it will be used. He noted it could start as one day a week, but if other businesses want to use that line, they will use that line if it makes sense to them from an economic standpoint. He questioned whether the Town of Enfield wants to develop that rural area for industrial use, or does the Town prefer having something like they have in Simsbury. He went on to note he did walk this rail line and he did not see much space to accommodate a trail alongside the rail line. He stated his hope the DOT will look closely at this because Enfield waited 25 years to talk about this issue. He stated his belief there should be more public hearings on this matter. He noted if they extend the lease, that could determine development in that area for the next 20 years. He stated his opinion the Town should have a say about this.

Councilor Szewczak questioned what the right-of-way is for that rail. Ms. Thomas noted it varies.

Councilor Szewczak stated this is going to change that part of town. She noted that rail has been dormant for 25 years, and over that period of time, different things have happened as far as residential development when there was a perceived non-use of that rail with no repairs or anything going on with that rail. She noted any development could change the whole complexion of this area. She went on to question whether they have to go before Inland/Wetlands or any regulatory agencies, and Mr. Eucalitto stated as part of any preliminary engineering review, they would also have to do an environmental review.

Mr. Eucalitto stated if the Town were to develop a trail, the Town would need to go to DEEP and the Army Corps of Engineers. He went on to note that they need a rail operator to maintain the line, but that does not preclude other things that the Town wants to do in the vicinity or in the rights of way. He stated DOT is the property holder, but the Service Transportation Board defines whether a railroad can or cannot be abandoned. He noted as long as it is not abandoned, it is considered an active railroad, so any time a business wants to start using it, they could.

ADJOURNMENT

MOTION #5811 by Councilor Muller, seconded by Councilor Cekala to adjourn.

Upon a **SHOW-OF-HANDS** vote being taken, the Chair declared **MOTION #5811** adopted 9-0-0, and the meeting stood adjourned at 6:59 p.m.

Respectfully submitted,

Sheila M. Bailey
Town Clerk
Clerk of the Council

Jeannette Lamontagne
Secretary to the Council