

**TOWN OF VIRGIL REGULAR MEETING**  
May 11<sup>th</sup>, 2017

**PRESENT:** Supervisor John Kaminski, Board Members Eric Snow, Jereme Stiles and Matt Denniston (was late), Member Gary Pelton, Attorney for the Town Pat Snyder, Town Clerk/Collector Alane Van Donsel, David Coish Camden Group, Jenae Withey W2Operators, Sandy Price County Legislator, Teri Pelton Virgil Youth Commission, Carol Rehkugler, Linda Marsh

**6:30PM- TOWN HALL MEETING:** Dale Taylor Addressed the Board. Taylor said that he had a new idea. At last month's meeting, there was a proposal to spend money on a new truck using CHIPS money. Taylor was thinking that the town could look into shared services with the county. He said that Rick Horner will be retiring and instead of replacing Horner, the town could have the county plow the roads that Horner plowed, this would alleviate the need for a new truck, as well as save money on employee benefits and salary. Taylor said that he spoke with Phillip Krey, the Superintendent from the County, and Krey said he would entertain the idea. Taylor asked why couldn't this be done? Supervisor Kaminski and Deputy Supervisor Stiles said that they considered the legality of the use of CHIPS money and they found it can be used for anything, even purchasing a truck, however the stipulation is that the vehicle has to have a ten-year life span. They felt it was a gray area. Member Stiles thought that the CHIPS money could only be used for roadwork. Kaminski said that he has concerns with the County plowing the roads. He is wondering if they would have them plowed for the school buses? Taylor said that the County has a higher level of plowing and he didn't think that would be a concern. It was stated that the agreement would be between the town and the county. Taylor said that this may help with shared services as well.

Linda Marsh, of 2174 Holler Rd. addressed the board. She wanted to know if there will be concerts at the gazebo this summer? She said the youth commission used to host them. Teri Pelton said that the youth commission did not want to be involved because it's not a youth activity. March wanted to know if the town could bring it back even if was just once a month. She said she would help organize it. Marsh was also wondering about zoning in the town, she's seeing a lot of junk around. Craig Umbehauer, the Code and Zoning Officer said that it is a gray area. He said you can't zone for neatness if it's not a health hazard. He said you can regulate the number of vehicles that have to be licensed. He said that some places are being cleaned up, such as a place on RTE 392 and one on Page Green Road. Marsh feels it's starting to look on the downside. She said for a while it was starting to look good, but starting to look like it's going downhill again. Umbehauer reiterated that the town can't regulate neatness.

**6:40 PM –THE REGULAR MEETING WAS CALLED TO ORDER**

Supervisor Kaminski called the meeting to order, followed by the salute to the flag.

**RESOLUTION# 17-066 APPROVAL OF MINUTES**

**Draft of the Regular Board Meeting Minutes dated April 13th, 2017:** Member Stiles moved to approve the minutes for April 13th 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays-None

**RESOLUTION# 17-067 AUTHORIZATION TO PAY BILLS**

**GENERAL FUND FOR APRIL NUMBER 05:** Member Stiles moved to approve payment of the General Fund's audited vouchers numbered 83-104 in the amount of \$47,384.54. Member Snow seconded the motion. Discussion: Supervisor Kaminski informed the board that most of the costs this month were from insurance. Member Pelton asked what the repair on '93 truck was. It was stated that it was the cab that is used to haul the compactor at the transfer station. Items related to the transfer station fall under the general fund. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays- None.

**HIGHWAY FUND FOR APRIL NUMBER 05:** Member Stiles moved to approve payment of the Highway Fund audited vouchers numbered 1068-1095 in the amount of \$33260.12, Member Snow seconded the motion. There were some questions on item number 1076, there are two large repair bills. Representation for the Highway department was not at the meeting. There was also another repair cost of almost \$6000. Deputy Superintendent Stiles had asked the highway department to give a report on how much is being spent on each vehicle. He wanted the board to see if what is being spent is practical. He said this will help at budget time as well. Stiles said that \$15,000 has been spent on the 07 truck since January. He said that It adds up quickly. Community Member Dale Taylor wondered why the trucks are needing so many repairs? He feels that they sit around a lot. Stiles was wondering that as well, he feels these reports will help with communication. Kaminski is wondering if they are getting rid of the wrong truck. It was also stated that \$7000 was spent on the sweeper. Member Pelton stated that there was more money spent on the 07 than all the rest of the truck combined. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays- None

**SEWER DISTRICT #1 FUND FOR APRIL NUMBER 05:** Member Stiles moved to approve payment of the Sewer District #1 audited voucher's numbered 2033-2045 in the amount of \$19,648.08. Member Snow seconded the motion. Discussion: Member Snow asked about the \$7000 in landscaping at the sewer plant. He was concerned because some of the trees were put on top of tanks. Stiles said they are aware of this and they will be moved. Kaminski said that the cost of the trees was turned in to the DEC grant for reimbursement. Member Pelton asked about an aerator burning up. Dave Coish form Camden said that the bearings went. Coish said he reported about it in the monthly report. He would like to start having them repaired once a month, to avoid this situation in the future. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays- None

**WATER DISTRICT #1 Fund FOR APRIL NUMBER 05:** Member Stiles moved to approve payment of the Water District #1 audited vouchers 3020-3023 in the amount of \$6,059.73, Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays-None

**MONTHLY REPORTS**

**SUPERVISOR'S MONTHLY REPORT FOR APRIL 2017:** Member Stiles moved to accept the Supervisor's Monthly Report in short form for APRIL 2017. Member Snow seconded the motion. Discussion: Member Stiles asked when the board is going to receive a long form? Kaminski said hopefully this month. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays –None

**TOWN CLERK'S MONTHLY REPORT:** Member Stiles moved to accept the Town Clerks Monthly Report for April 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays- None

**TAX COLLECTORS REPORT:** Member Stiles moved to accept the Tax Collectors Monthly Report for the period of January 01<sup>st</sup> 2017- May 05<sup>th</sup> 2017. Member Snow seconded the motion. Discussion: Supervisor Kaminski said that 95.22% of the taxes have been collected. Town Clerk Van Donsel said she will be collecting until Jun 1<sup>st</sup>. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays

**SEWER DISTRICT OPERATIONS REPORT:** Representative Dave Coish were present from the Camden Group. Member Stiles asked Coish if he could meet with him tomorrow morning. Supervisor Kaminski asked about 55,000 gallons of sludge. Coish said that there was 55,000 gallons of sludge, but they settled it out to 8000. Member Snow asked what was going to be done with the old fencing? Stiles said that he would have someone from the Highway Department come get it. Member Stiles moved to accept the Sewer Districts Report. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Stiles, and Kaminski. Nays- None

**WATER DISTRICT OPERATIONS REPORT:** Supervisor Kaminski said that some water had to be shut off due to nonpayment. He said the town heard many excuses as to why people didn't pay their bills. There was some discussion on how much it costs to turn the water back on and who gets the money, the town, or the operator. Jenae Withy said that six services needed to be shut off, but only one could be shut off, as many of the shut off valves needed to be fixed. She said they are all fixed now. She said that 6A, 6B, 7A, 11A, and 14C had to be shut off. Withy said that she thought it costs \$50.00 to turn the water back on, but the town thought it was \$25.00. Kaminski said that he will look into the matter tomorrow. There must be a resolution to turn the water back on or a policy. Member Stiles moved to accept the Water Districts Report. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Stiles, and Kaminski. Nays-None

**ANIMAL CONTROL OFFICER'S REPORT:** Member Stiles moved to accept the Animal Control Officer's Report. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Stiles, and Kaminski. Nays-None

**CODE ENFORCEMENT AND ZONING OFFICERS REPORT:** A written report was submitted by Code and Zoning Officer Craig Umbehauer. Supervisor Kaminski asked what was going on with the property on Teeter Road. He said they built a nice barn, but now they are dismantling it. Umbehauer said that it is the Sunderland's place. He said that they filed for bankruptcy and perhaps they are trying to salvage some of their money. Umbehauer said that he will look into it. Umbehauer said that he put a lift and an apartment in the pole barn and he wouldn't give him a certificate of occupancy. Member Snow asked what was going on with the property on RTE 11. He said it looks bad for the town. Umbehauer said that he will send him another letter. Member Stiles motioned to accept the Code and Zoning Officers report. The motion was seconded Member Snow. Vote: Ayes-Members Pelton, Snow, Stiles, and Kaminski. Nays- None

**COUNTY LEGISLATOR'S REPORT:** County Legislator Sandy Price submitted a written report. Price reported that she was at a retirement party for President Haines of Tompkins Cortland Community College. Price said that Haines is retiring after serving 48 years as President. Member Stiles thanked Price for voting no on the rise in sales tax in Cortland County. Stiles said that he called a few legislators. Price said felt that public opinion made a difference on the matter. She said that is the way government should work. Stiles wanted to know how the jail project was coming. Price said that the county went to Albany to find out their expectations. Price said she doesn't feel that the county can afford the over a 40 million price tag. She feels it's unconscionable. Price said her grandchildren and great grandchildren will be paying for it. She feels there needs to be a different approach. Supervisor Kaminski said the problem lays with the leadership. Kaminski said that the one term sheriff has no conscious on what needs to be done. It was mentioned that the Sheriff is going to different town boards to talk about the project. Price said that once he comes and talks to this board, he will know where she is getting her marching orders from. Stiles said that there must be a budget to maintain the jail. Price said yes, \$200,000. Stiles feels that every time it doesn't go the sheriff's way, he changes the plans. Price said that when push comes to shove it will pass, but Price says it should be brought up for a vote to see. Kaminski said that it will probably be a year or two before they do anything. Price said she would like to see some of the outstanding debt whittled down first. Dale Taylor said that the bond will double over time which would mean an over 80-million-dollar price tag. He said the tax payers will be paying on this for the next 50 years. Price said that it is interesting that the state approved what the county has now, but now they are saying it's not good enough. Taylor thought that the jail is turning into a place to incarcerate people. Price said that maybe alternatives need to be looked at. She said that In Tompkins County there is an Independent group that helps with bonds etc. Price says they need to keep looking at alternatives. Price said that she feels that a few people need to be in jail for the safety of the people. Linda Marsh wanted to know why the county is over 41 million dollars in debt? Price said it has to do with spending and state mandates and financial decisions that have been made, such as grant money and insurance money that was used and put in the general fund instead of rebuilding. Stiles wanted to know more about mandates. Price said that Medicaid is a big one. She said that it benefits the very young or very old. Price said that if the county doesn't pay the Medicaid, the state withholds state aid.

Supervisor Kaminski said that he attended the CCTVS meeting. He said that they had a presentation on homeland security. Kaminski said that at any time he can declare at state of emergency in the town of Virgil, the power is given to the supervisor. He said he also learned about shared services with the government. He said that nobody at the meeting was happy. He said that there is already a lot of sharing happening. He is going to sit down to see if they can come up with some ideas. The first year or anything already being done doesn't count toward shared services. Kaminski said they are looking for ideas. Stiles said there will be three more meetings before

the Aug. 1<sup>st</sup> public hearings. It was stated that this is something the governor set in place. There will be a meeting with all the unions and reports need to be done. Kaminski said that towns can opt out for the next year. It was suggested that a survey be done to see what surrounding counties do.

Kaminski said that according to homeland security Highway Superintendent John Morse had to submit a bill for the two days of plowing during the blizzard, so the town can get reimbursed. The county will get disaster relief and they must come with over 170,000 in costs to get reimbursed from the state. And the State must come up with millions of dollars in expenses to get reimbursed from the federal government. He said everyone wants to be reimbursed.

Member Stiles motioned to accept the County Legislators report. The motion was seconded Member Snow. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Nays- None Abstained: Denniston (Member Denniston Arrived at the meeting at 7:15 PM)

**VIRGIL YOUTH COMMISSION REPORT:** Teri Pelton of the Youth Commission submitted a written report and secretary Kelsy submitted a financial report. T. Pelton reported that the summer program is being planned and the times and the cost is being set. They are planning a Harry Potter book talk at the town hall and a Father daughter dance will take place at the school. There is a “Virgil on the Move” club taking place which is headed up by Jennifer Stiles. They have received some funding from the fire district. They are looking for more funding for T-shirts and a five K race. Member Stiles wanted to know how the Before and After School program was going. Pelton said that the new person has worked out very well. Supervisor Kaminski said that the board has to create assistant aid positions. Kaminski said that there is a job description on file with the county, but the town never approved it and county never sent it to the state. So, he said the board is going to create 6 positions. Kaminski said this was done before his time. Linda Marsh asked if the Youth Commission was not going to do the gazebo concerts, what was going to happen. Kaminski said that what happened was that Sandy Price got sick and nobody else wanted to take it over. Town Clerk Van Donsel said that there is also a matter of funding. She said the board didn’t want to fund it and the group had to do fundraising to pay the bands. Member Stiles motioned to accept the Virgil Youth Commissions report. The motion was seconded Member Snow. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**HOPE LAKE OPERATIONS REPORT:** Wes Kryger was not present. Member Stiles said that the committee decided to have the Fireworks this year at Hope lake. The plan is to have them on July 2<sup>nd</sup> and they plan on getting donations to pay for them. Teri Pelton said that Athenian Heights Home Owners Association is willing to donate. Member Gary Pelton said that there was a meeting of the committee and they went over what was going happen this year. He said there is about ten to twenty thousand dollars in repairs that need to be taken care of, such as rebuilding the south bridge and repaving the walking path. Pelton said they are working on grants to pay for some of the items. There have been permits issued to help with the Beavers and Geese. The planning for the July 2<sup>nd</sup> fireworks is in the works and they are going out for the money, all normal fees for the park will apply. Stiles said they are planning to go to local business owners. Pelton said they would like to keep it simple. It was state that the mowing was done on the hotel side. Pelton said that there are numerous ruts that Greek Peak caused at the lake when they were trying to make more room for parking. He said they are not supposed to have vehicles anywhere except in the parking lots and on the roads. They have also not mowed at the lake yet and it’s looking bad. A letter needs to be written to them.

**DEPUTY HIGHWAY SUPERINTENDENTS REPORT:** Deputy Highway Superintendent Britt Morse submitted a written report. Member Stiles said that a truck was supposed to go on Auctions International, but it was not done. Morse told Stiles that there were some items that needed to be fixed before it went on the site. J. Morse also told Stiles that the truck will not go on Auctions International until he gets the new 10-wheeler. Supervisor Kaminski said that the board has the authority to put it up for Auction. Dale Taylor said that this is why the board should have someone appointed. Taylor said that J. Morse is never there and he gets paid 50 thousand dollars a year plus benefits, and he doesn’t go to work or do what is requited of him. Member Stiles motioned to accept the Highway Supervisor report. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None.

## **OLD BUSINESS**

**DISCUSSION ON AGENDA’S AND BOARD PACKET EXPECTATIONS:** Member Stiles said that the Town Clerk wasn’t at the last meeting and the board didn’t get all the reports. Stiles said that the board needs to make it clear that they want all the reports in advance so they have time go through them. They are interested in getting the reports a week ahead. He feels it used to be the policy. There was some discussion on agenda programs. Member Denniston said that he looked at the three different options presented. He said that there is a paid version of the free program they are using now that costs \$1200 a year. The program uses templates and it increases transparency. He said that most platforms offered are similar. He likes the free program that is being used. The paid program will allow an unlimited number of board packets to be accessed, as opposed to just three. Denniston finds this to be valuable because the board can look back at packets. He feels it benefits the community. Stiles said that he like the direction of going paperless. This will be explored at budget time.

**RESOLUTION #17-068 ALL DEPARTMENTS MUST HAVE REPORTS IN THE MONDAY BEFORE THE BOARD MEETING:** Member Stiles made a motion to approve the deadline for all town departments to have their reports into the Town Clerk the Monday before the board meeting. Member Denniston seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**CHANGES TO VIRGIL’S COMPREHENSIVE PLAN AND SOLAR ZONING:** Attorney Snyder explained that the amendments to the comprehensive plan and solar zoning can be adopted together at the next meeting. There has not been enough time to adopt the

zoning amendment because a local law in final form must be on the desks of the legislators (town board members) at least seven days before it is adopted. He said the board can have another public hearing prior to the next meeting if it wishes to do so. The comprehensive plan and local law amendments were reviewed together by the county planning board. Those comments were reviewed and considered by the town advisory committee at its meeting on May 2, 2017. Changes were made and the local law is now in final form unless the town board makes further substantive changes.

**RESOLUTION #17-069 APPROVE SECOND PUBLIC HEARING FOR LOCAL LAW #1 2017-** Member Stiles made a motion to set a Public Hearing in regard to Local Law #1 of 2017 Solar Systems on June 8<sup>th</sup> 2017 at 6:00 PM at the Virgil Town Hall. Member Denniston seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**DISCUSSION ON SOLAR PANELS FOR THE TOWN OF VIRGIL:** A meeting will be set at 1:00 PM on Monday May 15<sup>th</sup> with a representative from a Solar company to discuss solar options for the town.

**DISCUSSION REGARDING A WATER AND SEWER BILL AT GREEK PEAK:** Supervisor Kaminski said that a resident of the water and sewer district received a bill that is over \$7000. There was a water leak that was undetected. The owner is wondering if the town would be willing to forgive the sewer portion of the bill, because the water didn't go in the sewer. The sewer portion of the bill is based on water usage. There was a question if that is a common way of calculating the bill. Member Stiles felt the owner should pay the average amount of the cost of a regular sewer bill. Stiles felt that owner should pay a usage fee. Member Denniston said that he should pay the average cost of a quarter's charge. Town Clerk Van Donsel provided the cost of the sewer costs over a year. The board determined that a bulk of the sewer bills were under 100 quarterly. The sewer portion of the bill is \$3900 instead of the usual \$100. It was stated that the board should establish a policy that will apply to everyone. Attorney Snyder said that the water and sewer rules should be amended in order to be able to forgive a certain fraction of the bill. Snyder said that there is nothing in there to forgive bills for any purpose. Snyder said that he will come up with a paragraph or two to tighten up the rules.

**RESOLUTION #17-070 FORGIVE A PORTION OF THE SEWER BILL FOR BEDROCK:** Member Denniston made a Motion to forgive the sewer portion of the bill for Keith Bedrock minus the average cost of the prior quarters sewerage cost. Member Stiles seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston. Nays- Kaminski

## **NEW BUSINESS**

**CHARTER COMMUNICATIONS AGREEMENT:** Supervisor Kaminski stated that the board needs to set up a public hearing for the franchise agreement with Charter Communications. Kaminski said he would like to work out a deal with Charter because they have parts of the town locked down with no intent for some residents. He would like to break that control. Attorney Pat Snyder said that the agreement is a nonexclusive franchise agreement. He said that other companies can have agreements as well. He said it wouldn't hurt to make it more explicit in the agreement. Member Stiles said that Spectrum passes by numerous houses and yet residents can't hook up to the cable. It was stated that Spectrum has an agreement to just serve Greek Peak. Stiles felt that someone should talk to this company. Snyder said the Public Service Commission could make them serve residents where their lines run. Kaminski said that Haefele TV wants to run lines now, but can't because Spectrum has the rights. Stiles said that he would like to see some competition. Resident Carol Rekkugler said that she has Frontier and they are highly unstable. She said she has called about concerns with bandwidth, but has gotten nowhere. She said she will attend the public hearing and she will bring others. Kaminski said that Lee Haefele was told he can't run up Page Green Road because Spectrum is there. It was stated that Haefele can't go up Carson Road either. Sometimes it's a matter of the electric company wanting a fortune to use their poles. Kaminski said he has a map and there is grant money available. Rekkugler said she is willing to start a movement and she will contact the Public Service Commission. She said this needs to be fixed.

**RESOLUTION #17-071 SET PUBLIC HEARING DATE FOR THE CHARTER COMMUNICATIONS CONTRACT:** Member Denniston motioned to approve June 8<sup>th</sup> 2016 at 6:00 PM as the date and time set for a public hearing on the Town of Virgil and Charter Communications Contract. The Public Hearing will be held before the Regular Town Board Meeting. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

### **RESOLUTION #17-072 CREATE 6 PART TIME BEFORE AND AFTER SCHOOL AIDES POSITIONS:**

Member Stiles motioned to approve the creation of 6-part time Before and After School Aide positions. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

**TOWN OF VIRGIL'S ANNUAL FINANCIAL REPORT- 2016:** Supervisor Kaminski said that the 2016 annual financial report for the town is done and it is being sent to the state. He said the board does not need to vote on it.

**ANNUAL FINANCIAL REPORT- HEALTHCARE CONSORTIUM:** Supervisor Kaminski said that the 2016 annual financial report for the Health Care Consortium is done as well. He said the board does not need to vote on it.

**QUARTERLY SALES TAX REPORT:** The board received a copy of the quarterly sales tax report.

**RESOLUTION #17-073 HIRE CEDARWOOD ENGINEERING SERVICES PPLC TO APPLY FOR A GRANT FOR WORK NEEDED TO BE DONE AT HOPE LAKE PARK:** Supervisor Kaminski said that he would like for the board to retain Cedarwood Engineering to apply for a grant

to fix items that need to be repaired at Hope Lake Park. He said it will cost between \$1200-\$1500 to write the grant. Member Stiles made a motion to retain Cedarwood Engineering Services, PLLC to write a grant for Hope Lake Park not to exceed \$1500. The money should be taken out of the community development fund and it will be reimbursed with the grant money. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

With no further business to discuss, Member Stiles moved to adjourn the meeting at 8:10 PM. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

Respectfully Submitted by,

Alane Van Donsel, Virgil Town Clerk