

**TOWN OF VIRGIL REGULAR MEETING**  
June 08<sup>th</sup> 2017

**PRESENT:** Supervisor John Kaminski, Board Members Eric Snow, Jereme Stiles and Matt Denniston, Member Gary Pelton, Attorney for the Town Pat Snyder, Town Clerk/Collector Alane Van Donsel, Ken Scherrieble Camden Group, David Coish Camden Group, Doug & Jenae Withey W2Operators, Highway Superintendent John Morse, Britt Morse Deputy Highway Superintendent, Teri Pelton and Stacy Kelsey Virgil Youth Commission, Wes Kryger Greek Peak, Kevin Howe, Donna Lynch.

**6:00 PM PUBLIC HEARING:**

**PROPOSED FRANCHISE AGREEMENT WITH CHARTER COMMUNICATIONS-** No comments were made.

**PROPOSED LOCAL LAW #1 2017 SOLAR SYSTEMS**

Kevin Howe- 2004 Timmerman Hill Rd. addressed the board. Mr. Howe read a letter of comment that he wrote, it will be filed with the attachments of the minutes for this meeting. Supervisor Kaminski stated that the proposed local Law is a written document that can be changed at any time. Kevin Howe said that a limit on size and scope is in the law for smaller installations, he feels it should be in there for larger installations with a reasonable limit of megawatts. Howe said that Virgil is the fastest growing residential community in the county and he would hate to see that change. Council Member Pelton wondered when rules change, as panels become more powerful, if they will exceed the 2-megawatt limit. Attorney Pat Snyder said that the difference between Virgil and Homers' local law is that Virgil a special permit will have to be approved by the Town Board. Snyder said that Homer didn't go that far. This gives the town of Virgil more discretion to say yes or no. Council Member Denniston stated that with the special permit, the board decisions would have to comply with the amendment to maintain the character of the community. Council Member Stiles feels that gives the town board more control over future solar installations and he agrees with Howe. However, as boards change, a future board may not feel the same way. Stiles feels that this should be brainstormed a little more. He wondered if the board would hold another public hearing and he wondered when will it be adopted. Snyder would like to see how it would be changed before deciding whether another hearing is needed. Stiles wondered if they should move forward or should they revisit it. Right now, the law states that it should not exceed 50%- or 2 megawatts. They discussed that National Grid has a limit of 2-megawatts. It was stated that isn't a technical limitation, that is a PSC limitation, the array sites can be stacked. Supervisor Kaminski would like to move forward with the Law and then amend the local law in the future if necessary. Supervisor Kaminski asked three times if there was any further comment. There was none.

Member Stiles made a motion to close the Public Hearing at 6:20 PM. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**6:30 PM –THE REGULAR MEETING WAS CALLED TO ORDER**

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

**HISTORIANS ANNUAL REPORT**

**RESOLUTION# 17-074 APPROVAL OF MINUTES**

**Draft of the Regular Board Meeting Minutes dated May 11th, 2017:** Member Stiles moved to approve the minutes for May 11th 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**RESOLUTION# 16-075 AUTHORIZATION TO PAY BILLS**

**GENERAL FUND FOR APRIL NUMBER 06:** Member Denniston moved to approve payment of the General Fund's audited vouchers numbered 105-127 in the amount of \$ 14,402.60. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

**HIGHWAY FUND FOR APRIL NUMBER 06:** Member Denniston moved to approve payment of the Highway Fund audited vouchers numbered 1096-1114 in the amount of \$18,569.40. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None.

**SEWER DISTRICT #1 FUND FOR APRIL NUMBER 06:** Member Denniston moved to approve payment of the Sewer District #1 audited voucher's numbered 2046- 2051 in the amount of \$4,962.53. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**WATER DISTRICT #1 Fund FOR APRIL NUMBER 06:** Member Denniston moved to approve payment of the Water District #1 audited vouchers 3023-2025 in the amount of \$18,644.69. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None Discussion: Supervisor Kaminski said that HD supply waterworks paid a visit to the town. They felt that the software the town was using for the meter reader was pirated. Kaminski said that the town provided a receipt that it was paid for it. HD thinks that the previous owners pocketed the money. He said that it all has been taken care of and they are providing the updated software at no cost.

**MONTHLY REPORTS**

**SUPERVISOR'S MONTHLY REPORT FOR May 2017:** Member Stiles moved to accept the Supervisor's Monthly Report in Short form for May 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays –None

**SUPERVISOR'S MONTHLY REPORT IN LONG FORM FOR JANUARY, FEBRUARY, AND MARCH 2017:** Member Stiles moved to accept the Supervisor's Monthly Reports in long form for Jan. Feb. and Mar. 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays –None

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

**TAX COLLECTORS FINAL REPORT:** Member Stiles moved to accept the Tax Collectors Monthly Report for the period of January 01<sup>st</sup> 2017-June 01<sup>st</sup> 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**SEWER DISTRICT OPERATIONS REPORT:** Representatives Ken Scherrieble and Dave Coish were present from the Camden Group. Council Member Stiles asked if an older dumpster was still at the sewer plant. David Coish of YAWS said it was. It was stated that it has been there for over a year. Attorney Snyder said that he will send them a letter to have it removed or it will be declared abandoned. Stiles said that the town needs to do something or it won't go away. Council Member Pelton asked if the trees on top of the tank were taken care of. It was stated that it will be done. It was also stated that there is still some fencing that needs to be taking care of. Coish said that it will be taken care of by either Greek Peak or the town. Member Stiles moved to accept the Sewer Districts Report. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**WATER DISTRICT OPERATIONS REPORT:** Doug Withey reported that they rebuilt a part of the pump house and it is working, but it is still leaking a little. He thinks it needs a new O-ring. He says it looks cleaner and rebuilding it has cut down leakage to 10%. Withey said it would be nice to have a sign on the water plant building stating when the district started and who was on the board at the time. He said he would consider getting a price. Member Stiles moved to accept the Water Districts Report. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, 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, Denniston, Stiles and Kaminski. Nays-None

**CODE ENFORCEMENT AND ZONING OFFICERS REPORT:** A written report was submitted by Code and Zoning Officer Craig Umbehauer. Council Member Snow asked if a letter was sent to the folks on RTE. 11 who have all the junk cars by the road. Code Officer Umbehauer said yes. He said at this point they will have to clean up their stuff or they will have to explain to the judge. Member Stiles asked if Umbehauer has been in contact with the Fords. Umbehauer said that he got in touch with John and he set the poles in the rain and now they are all off square, so they need to be reset. He was told that the variance request was for 11 feet and he knows that he has to move the poles. Umbehauer said that there is a concern with the Planning and Zoning board members not keeping up with their training. Umbehauer said was wondering if the board can send them a letter. Classes can be taken online so there really is no excuse. Stiles asked for a copy of who is out of compliance. Member Stiles motioned to accept the Code and Zoning Officers report. The motion was seconded Member Snow. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**DISCUSSION ON CODE OFFICERS HOURS-** Member Denniston asked Code and Zoning Officer Umbehauer if he had any set hours and are they posted? Denniston said that he has had different folk's asking about his hours. Umbehauer said that he has been coming in on Wednesdays and Fridays and he has been doing that since he started. He recently changed his hours to Monday and Wednesday 1-3. Member Stiles asked how many hours he works a week. Umbehauer said that it's hard to say, he stops to places all the time. He said that he has planning, zoning, town, and county board meetings. He hasn't thought about the number of hours that much. Denniston said that there is a concern because no hours are posted. It was stated that the clerk should post the Code and Zoning officers hours on the door and on the website. Denniston asked the typical turnaround time that it takes for Umbehauer to get back to folks. Umbehauer said that if he is not in the office the phone rings through to the house and he has an answering machine. Umbehauer said that sometimes people call the Clerk.

**COUNTY LEGISLATOR'S REPORT:** County Legislator Sandy Price submitted a written report. Price was excused from the meeting to attend a family event. Member Stiles motioned to accept the County Legislators report. The motion was seconded Member Snow. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**VIRGIL YOUTH COMMISSION REPORT:** Teri Pelton of the Youth Commission submitted a written report and Stacy Kelsey submitted a financial report. T. Pelton reported that 65 people attended the father daughter dance. They are looking for more help with the before and after school program and the summer program. She was wondering if she could run an ad in the newspaper. Kaminski said to move ahead. Right now, they have one full time and one part time employee. Many of the young folks have other commitments. They are looking for a couple folks to have on hand to fill in when needed. Kelsey said that she submitted the expenditures and she is working on payroll. 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 PARK OPERATIONS REPORT:** Wes Kryger reported that he submitted back financial reports for Hope Lake Park. Kryger said that once it dries out they will fix the divots on spillway. Supervisor Kaminski said that he, Pelton, and Van Donsel met with Scott Kleinhamms the new manager of the park. He had ideas of events he would like to hold. One is a triathlon race with 60-70 people. Kaminski said he had some good ideas. Pelton said that the buildings at Hope Lake Park need to be varnished. Kaminski said that they will see how much money is in the building fund. Kryger asked if the 4<sup>th</sup> of July fireworks were still on this year. It was stated that they were not because they are not in the budget. Member Stiles motioned to accept the Hope Lake Operations report. The motion was seconded Member Snow. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**HIGHWAY SUPERINTENDENTS REPORT:** Highway Superintendent John Morse and Deputy Highway Superintendent Britt Morse were present and submitted a written report. It was stated that they will be putting down oil and stone the week of June 19<sup>th</sup>. The Ten-wheeler is back together and will be going on auctions international. Member Denniston said that he appreciated the equipment breakdown report. John Morse asked about the grant money that the highway was supposed to get for the bridge work at the sewer treatment plant. Supervisor Kaminski said that the money was direct deposited, he will ask the bookkeeper if the highway got their share. Member Denniston 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**

**APPROVE CHANGES TO VIRGIL'S COMPREHENSIVE PLAN AND LOCAL LAW #1 OF 2017:** Attorney Snyder read the formal resolution outload. The Local Law and the changes in the comprehensive plan were written in one resolution. Member Denniston asked what the board needs to do if there are further changes. Kaminski said that was done when they added the special permit would have to be obtained from the board. Snyder said that is the answer. Denniston felt that the limit put on the minor installations was done to differentiate between the two types. Kaminski said that the board can write up the size and scope on a major installation. Denniston said that if you set up an outline and then you deny a system, there can be more backlash. Snyder said that the current proposed system is calling for two 2 megawatt arrays. Stiles said that he thinks that the law needs to be left the way it is written and he would like to move forward. Pelton said there is always going to be something. Member Snow agreed.

### **RESOLUTION#17- 076 ADOPTING THE COMPREHENSIVE PLAN AND SOLAR ENERGY SYSTEMS ZONING AMENDMENTS**

WHEREAS the Town's current zoning law does not address solar energy projects, and  
WHEREAS solar energy projects are likely to become more common in the Town, and  
WHEREAS the Town Comprehensive Plan should be amended to encourage solar energy projects under appropriate conditions, and  
WHEREAS the proposed Comprehensive Plan amendment and Local Law #1 of 2017 have been reviewed by the County Planning Board and it approves the language, contingent on certain recommendations, and  
WHEREAS the Town Board has considered those recommendations and incorporated them into the zoning amendment as deemed appropriate, and  
WHEREAS public hearings were held on the plan amendment and proposed local law on April 6, 2017 and June 8, 2017, and  
WHEREAS the Town zoning advisory committee has recommended approval of the proposed local law, and  
WHEREAS the Town Board is the lead agency under the State Environmental Quality Review Act (SEQR) for the adoption of the comprehensive plan and this local law, and  
WHEREAS a Full Environmental Assessment Form has been completed and reviewed by the Town Board, and  
WHEREAS the Town Board finds that a negative declaration is appropriate for this action, and  
WHEREAS the Town Board finds the amendments to be in the public interest, now  
IT IS HEREBY RESOLVED:

1. The Town Board adopts a negative declaration under SEQR, and
2. The Town Comprehensive Plan is amended as proposed, and
3. The Town of Virgil Zoning Law is hereby amended by the adoption of Local Law #1 of 2017, and
4. This local law shall be filed with the Secretary of State to become effective upon filing.

Member Stiles motioned to adopt the Resolution #17-076 Amendments to the Virgil Comprehensive Plan and Solar Energy Systems as presented. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None.

**DISCUSSION ON SOLAR PROJECT ON PAGE GREEN ROAD:** There was some discussion on the Lynches' Page Green Road project. It was stated that the town must decide upon a lead agency with NYSERDA. Attorney Snyder said that is a type one action. He said that the town needs to establish a lead agency. The lead agency needs to review the full environmental assessment form. The form was just received that night from the code and zoning officer. Snyder said that he will take care of contacting NYSERDA.

**DISCUSSION ON SOLAR PANELS FOR THE TOWN OF VIRGIL:** Supervisor Kaminski said that some of the board members looked at all the potential sites for the town. They looked at the Town Hall, the park and in front of the Highway Department. They were thinking along the road at the Highway garage may work. Member Stiles said that that property needs to be surveyed. Kaminski said that they will be looking into a formal layout and how it will be paid for. The systems would be over 30,000 megawatts and could save over \$250,000. Attorney Snyder said that nothing can be put on park land without a state law authorizing it. He said that is in the State constitution. Kaminski said they looked at the waste water treatment plant as well. Stiles said he didn't like the idea of putting it there at all. Kaminski said they are looking at free standing posts. Stiles said that there are other places it can be done. Stiles said it would be discussed and looked at during budget time. Kaminski said they are looking for more formal propositions. Stiles said again that there needs to be a survey down at the highway down garage.

**RESOLUTION #17-077 APPROVE TO HAVE A SURVEY DONE AT THE VIRGIL HIGHWAY GARAGE:** Member Stiles made a motion to have a survey done at the Virgil Highway Garage. It was stated that three quotes would be acquired to comply with the town procurement plan. Member Snow seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

**DISCUSSION ON TRUCK:** Member Denniston wanted to know if the CHIPS money is used to buy a new truck, what will be left for town road work. Highway Superintendent John Morse said that the town is right on target. He said that after taking \$160,000 out of CHIPS there is still \$60,000 for road work. There was some discussion about a bridge on Francis Road. Morse said that he would like to yellow flag it. He said the whole job can be done for around \$10,000. Morse said that he can hire an outfit for \$10,000-\$30,000 to get the job

done. Kaminski wondered if they need to hire a professional engineer to do the repair. He said that would make the state is happy. Morse said the outfit he is talking about is from the state. Kaminski wants to make sure that a Professional Engineer will stamp it. Morse said the guy is an engineer. More would like this work to be good for the 20 years. Denniston asked about \$36,000 from an equipment fund. Morse said that they do not have to use it. Morse also said that the truck he is driving is having issues. He said they may have to buy a new truck for Britt next year. Supervisor Kaminski asked what the board pleasure was on truck. The highway department said that the new truck would be replacing the 2002. It was stated by John Morse that the board has two choices, to buy it or not. If they do not buy it they will be putting money in the old trucks. Morse said that If Britt didn't catch the issue with one of the truck, it would have cost the town \$25,000. He said that over a year ago there was a ton of money dumped into the 2007. Morse said it goes in cycles. Supervisor Kaminski said that they would be using \$160,000.00 in CHIPS money and bonding for \$45,000. Kaminski said that nothing can be done until they figure out the bonding. J. Morse said that to get the CHIPS money, they can't wait. J. Morse said that every five years the town has been buying a new truck, he said that last year they got out of sync, because they bought a spare truck. Again, Kaminski asked what he boards pleasure was.

**RESOLUTION #17-078 PURCHASE A NEW TRUCK FOR THE HIGHWAY DEPARTMENT:** Member Denniston made a motion to use CHIPS money and to bond for the rest on a new truck for the highway department. Member Snow seconded the motion. Discussion- There was some discussion if they will be going out for a twenty-year bond and then will they bond every five years. J. Morse said that they would buy another truck in five years, he said that they Just got out of sync. Member Pelton asked how many plow trucks they have now. Morse said they have four and one spare. Vote: Ayes-Members Pelton, Snow, Denniston and Stiles. Nays- Kaminski.

**RESOLUTION #17-079 APPROVAL TO ORDER THE CHASSIS FOR THE TRUCK:** J. Morse said that in order to get the CHIPS money they need to order the chassis now. He said that it can't be rolled over. It would take 90-120 days to get the truck if it is ordered right now. Member Pelton made a motion to order a chassis, piggybacking on Onondaga County. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

**SPEED LIMIT REDUCTION ON CHURCH STREET:** Supervisor Kaminski said that the DOT approved the speed limit reduction on Church Street. Britt Morse said he ordered the signs and he will be waiting for the official order to install them.

## **NEW BUSINESS**

**DISCUSSION ON FUNDING FOR SUMMER CONCERTS:** Supervisor Kaminski said that Town Clerk Van Donsel has been talking to bands about the summer concert series. Van Donsel said that if there was \$1500, they could hold 5 concerts this summer. She could line up some good bands, one is Steve Southworth. Member Stiles said that the reason they discontinued the concerts because of funding. Van Donsel said that she would like to discuss this at budget time for next year. Supervisor Kaminski said that would be fine.

**APPROVE CHARTER COMMUNICATIONS CONTRACT:** Attorney Snyder said that he would like to make some proposed changes to the agreement and send them to Charter Communications, so this item was tabled

**DISCUSSION THE TRADE IN ON A NEW LOADER:** Supervisor Kaminski said that the loader that they have now is leased and it is time to trade it in. There was some discussion on the number of hours on the loader. It was stated that there are 460 hours on the loader. Deputy Highway Superintendent B. Morse said that the company locked them in at 400 hours. He said that there will be no over hours. They are going to extend the 400 hours. Morse said that everything is in the new agreement. He said that what is presented is the price with the hours. Member Stiles asked how the numbers were figured. He said what is presented didn't show how the \$9,000 was figured. Stiles wanted a break down before he would be able to approve it. He said that way moving forward he wants to know how to justify the money and he didn't feel they had enough information. Supervisor Kaminski said that they can hold a special meeting to approve this.

**RESOLUTION #17-080 APPROVAL TO HOLD A SPECIAL MEETING TO APPROVE THE TRADE IN ON A NEW LOADER:** Member Stiles made a motion to approve holding a special meeting on June 15<sup>th</sup> at 6:00 PM at the Virgil Town Hall to look at the numbers and approve the trade in on the loader for the towns highway department. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

**DISCUSSION ON WORKMAN'S COMPENSATION:** Supervisor Kaminski said that there will be a Significant increase in workers compensation next year. He asked the towns attorney to send the county a letter stating that the town will be looking at different options. Kaminski said that he also requested the last 5 years of claims. He wants to see if they could get the cost under control. The city has a new price quote. Kaminski said that the past chairmen of Legislature went through every workers compensation claim. Now no elected officials are looking at it. He would like to shop around. He said that workers compensation was set up in 1958 and the rules apply to the 1958 economy and it is underfunded. Member Stiles asked if Kaminski knew what the payout was and if it's going to be a lot. Kaminski said that they are shopping. He said that Harford had two deaths, but Scott doesn't have a claim. Stiles said that Virgil did have a claim. Member Denniston said that they need to make changes. As soon as we started talking to McNeil the county locked us out. Stiles said he doesn't understand how they can do that. Stiles said these are employees of the town of Virgil not Cortland county.

**DISCUSSION ON TRANSFER STATION ID'S:** Supervisor Kaminski said that some people are delinquent on their transfer station id's, he requested that a list with pictures has been given to the transfer station attendants. The other issue is that some folks need to clean up places in Virgil and would like temporary passes. For instance, there was a squatter in an old garage. He has passed and now his

sister wants to clean up the place. He authorized the clerk to issue her a 60-day pass to clean up the place. If somebody cleans up property in Virgil he would like to give them a 30-60-day pass. Deputy Highway Superintendent Britt Morse wondered how this would be controlled. Morse said that people who don't pay taxes should pay more. There was an example of a resident on Bleck road who is sick, his daughter came to the transfer station and used his pass. It was stated that there must be restrictions put on it. Kaminski said that he would like to help clean up properties in Virgil and if the garbage is generated here, it should be able to go to the transfer station. The question is how would it be managed? It was stated that there needs to be restrictions. Superintendent J. Morse agrees with Kaminski and thinks it is for the betterment of the town. Member Denniston made a motion to allow special permits to be approved only by the town supervisor. Member Pelton seconded the motion. Discussion: Attorney Snyder said that there needs to be some criteria out in place. He feels that is too much power for one person. Stiles wondered how it would be policed. Stiles thought there could be a temporary 60 day pass and might be able to charge \$35.00. J. Morse Proposes that the town board and comes up with a proposal, perhaps limiting tonnage. Morse said that there is a local law in place, the board should start by seeing what is already in place. **No vote was taken.**

**EXECUTIVE SESSION:** Member Stiles made a motion to go into executive session, at 7:54 PM, to discuss a law suit with YAWS Environmental. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**END EXECUTIVE SESSION:** Member Stiles made a motion to end executive session at 7:54 PM. Member Denniston seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**ADJOURN:** With no further business to discuss, Member Stiles moved to adjourn the meeting at 7:54PM. 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