

**TOWN OF VIRGIL REGULAR MEETING**  
February 9<sup>th</sup> 2017

**PRESENT:** Supervisor John Kaminski, Board Members Eric Snow, Jereme Stiles, Matthew Denniston and 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, Craig Umbehauer Code and Zoning Officer, Sandy Price Cortland County Legislator, Highway Superintendent John Morse, Britt Morse Deputy Highway Superintendent, Demont Lang Highway Department, Teri Pelton Virgil Youth Commission, Wes Kryger Greek Peak, Residents David Denniston and Donna Lynch

**6:30 PM – Public Comment:** Derek Green from the Cortland County Health Department addressed the board regarding Radon. Green is getting the word out about Radon and informing Cortland County residents that there are free Radon tests available from the Cortland County Health Department. Radon is an invisible, tasteless, odorless gas that occurs naturally in the ground. Cortland County has one of the highest rates of radon in the state. Radon is the second highest cause of lung cancer, behind smoking. This Statistic comes from data that has been collected by the health department from radon testing kits. Green went on to explain how radon is formed. Glaciers left soil deposits that had uranium and Radon is formed from radioactive decay. The data has been collected for the past ten years. Supervisor Kaminski wanted to know how an accurate reading can be obtained, when fill that is brought in may have higher levels of Radon. Green said it is best to have your home tested. Cortland County obtained a grant to give away a limited supply of test kits for free to Cortland County residents. Funding was obtained from a grant. The grant also covers the cost of testing the samples. The Health Department is in the County office building at 60 central Ave. Test kits are a tiny canister with charcoal. They should be set in the lowest level of your house where you spend the most time. Winter is the optimum time to test. Radon can come in through cracks in foundations, well casings and mostly through the basement. Results should be reported to the department, so they can update the Radon maps. If your home gets a high reading, a radon mitigation system can be installed and usually costs around \$1000 to \$5000. The Health Department has a list licensed installers and they are looking to update the list. Nickie from the Health Department presented on a program regarding health and safety assessments of homes. They check items such as smoke detectors, fire extinguishers, child safety items and they provide these items for free. They received a \$600,000 grant for 5 years. You must make an appointment and the visit usually lasts from 30 minutes to an hour. Derek showed a model of how a mitigation system works. Radon can also be found in water, but this is not as common in Cortland County as in other counties and is more common in the lower parts of New York State. Supervisor Kaminski said that the Town Clerk will put a posting on the Website that these test kits are available. They handed out some pamphlets and guides that will be available at the Virgil Town Hall.

Resident Donna Lynch approached the board with some concerns regarding the Solar Law. Lynch printed the law off the internet and is concerned that some items in the law maybe be limiting their rights of land owners. Supervisor Kaminski said this is only a start. Kaminski said that Virgil has been traditionally an Agriculture community and he would hate to see good farm land covered with solar panels. Resident Dave Denniston said that he has some concerns about the draft as well. He wants to make sure that the board is educated on the matter before putting the law in place. He feels that a lot of the safety issues are over exaggerated. He did a lot of research and there is a lot of resources out there. Many factors need to be considered. Kaminski is concerned with putting them on the roofs, if there needs to be a roof replacement. He said metal roofs last a lot longer. Highway Superintendent John Morse, stated that this document can be rewritten and can be changed. Morse felt it would be wise to form a committee to come up with a plan that is best for everyone. Kaminski said he is looking at keeping it simple, He would like the law to be under three to four pages. He is open if the board wishes to form a committee. It was stated that land owners have already been approached and companies want to install large solar farms. There is a nine-acre farm in Dryden and the Wilks farm has been approached. Dave Denniston said he would be on the committee. Kaminski stated that once these panels are turned on and charged they can be very powerful. He wants to make sure that the Town board has the authority to require fencing and that the safety of the community is considered. He is also concerned with the abandonment of these farms. The Town doesn't want eyesores or a hazard in the future. Kaminski said that he is big on technology and some of this technology will be outdated quickly. The panels installed now will be obsolete quickly. Kaminski said he is all for the home owners getting solar panels, smaller units less than 53x53 feet with minimum restrictions. What he is concerned about are the larger farms that are taking up acreage.

**7:00 PM THE REGULAR MEETING WAS CALLED TO ORDER**

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

**RESOLUTION# 17-039 APPROVAL OF MINUTES**

**Draft of the Organizational Board Meeting Minutes dated January 12<sup>th</sup>, 2017:** Member Stiles moved to approve the organizational minutes for January 12<sup>th</sup> 2017. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**Draft of the Regular Board Meeting Minutes dated January 12th, 2017:** Member Stiles moved to approve the draft of the regular Town Board meeting minutes for January 12th 2017. Member Snow seconded the motion. Discussion: Member Pelton would like to make a correction on wording. He would like the word changed from doesn't to does on a comment he made during the Hope Lake Park report. Town Clerk Van Donsel will correct the wording. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**RESOLUTION# 17-040 AUTHORIZATION TO PAY BILLS:**

**GENERAL FUND FOR JANUARY NUMBER 02:** Member Denniston motioned to approve payment of the General Fund's audited vouchers numbered 12- 29 in the amount of \$10,025.73. Member Snow seconded the motion. Discussion: Member Stiles asked what the \$175.00 was for, regarding a sign. Supervisor Kaminski said that he Town sign on the corner was knocked down during an

ice storm and he authorized to have it fixed because it was under \$200. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

**HIGHWAY FUND FOR JANUARY NUMBER 02:** Member Denniston moved to approve payment of the Highway Fund audited vouchers numbered 1002-1026 in the amount of \$15,056.55, Member Snow seconded the motion. Discussion: Member Stiles asked what the costs were associated with the 2012 International. Britt Morse said it kept shutting down and needed to be repaired. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**SEWER DISTRICT #1 FUND FOR JANUARY NUMBER 02:** Member Denniston moved to approve payment of the Sewer District #1 audited voucher's numbered 2003-2009 in the amount of \$8,295.07. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**WATER DISTRICT #1 FUND FOR JANUARY NUMBER 02:** Member Denniston moved to approve payment of the Water District #1 audited vouchers 3004-3006 in the amended amount of amount of \$4,199.78, removing two payments for Chloroform testing, as the town pays for them directly. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

## MONTHLY REPORTS

**SUPERVISOR'S MONTHLY REPORT FOR JANUARY 2016:** Member Stiles moved to accept the Supervisor's Monthly Report in Short form for January 2017. Member Pelton 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 January 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, 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-February 05<sup>th</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 and a written report was submitted. Supervisor Kaminski asked what the three quotes were for. Dave Coish said they were for the pump. He said two were for a new pump and the third was to have it rebuilt. Coish said that everything was going well. 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

**RESOLUTION #17-041 APPROVE THE PRICE QUOTE TO PURCHASE A NEW PUMP FOR THE SEWER PLANT:** Three quotes were submitted. Member Stiles made a motion to accept the lowest bid from SIEWERT EQUIPMENT CO. in the amount of \$3,574 for a new pump, based on the price and recommendation from Camden Group. Member Denniston seconded the motion. Discussion: Coish said it would cost almost as much to rebuild the pump and for a new one for only 25% more the town can have a new pump. Ken Scherrieble said that Camden would take care of the installation. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**WATER DISTRICT OPERATIONS REPORT:** Doug Withey reported that it has been a quiet month. He said that they got the wrench head for fire hydrants fixed. He said that someone called from the Spartan Race and wanted to run water out of a fire hydrant. Withey said no, but he did say they could get it out of the pump house. He said it will probably cost the town about five to ten dollars in water. Supervisor Kaminski said that was fine. Withey said he has some winter workshops coming up. He also submitted a quote for a new meter reader and software. He said that they will be moving from a radio signal to a Bluetooth signal. He said it doesn't make much sense to fix the one they have as it is very old and out dated. He feels it's best to upgrade and trade in the old one. Nays- Member Stiles motioned to accept the Water District's report. The motion was seconded Member Denniston. 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. Supervisor Kaminski asked how the building permits were going. Umbehauer said that they are slow this time of year. Some variances have been submitted from folks anticipating building in the spring. He said there are a couple of houses still being worked on. Member Stiles asked about a variance for Dave Ford? Umbehauer said that the family is looking to split the property into two parcels. There are two houses on it. He said that this will cause the Setbacks not to comply as well as the road frontage. Umbehauer said this is the last parcel in commercial district on RTE 392. Member Stiles motioned to accept the Code and Zoning Officers report. The motion was seconded Member Denniston. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**COUNTY LEGISLATOR'S REPORT:** County Legislator Sandy Price submitted A written report. Supervisor Kaminski said that he and Deputy Supervisor Stiles met with members of the county on worker's compensation. Kaminski asked Superintendent Morse what

address is put on worker's compensation forms when there is a claim. Morse said that he puts the town hall address. Kaminski said that there was some paperwork that was supposed to be sent to him that he never got. A claim was brought to their attention that they didn't know about. Kaminski said that the town board isn't getting the information. Morse said that in the last three years the forms have changed every year. Kaminski said that they have all the forms and they have a binder that will be placed in the Town Clerks office. Kaminski said that everything needs to come to the Town Clerk. If there is a claim, the file will be put into a folder and the Town Board will be notified that there is a claim. Town Clerk Van Donsel asked for clarification on how the board wishes to be notified. Member Stiles said that the clerk will start a file on the claim and then give the board a notification that there is a file started. Stiles said that in the past they weren't in the loop. The highway superintendent needs to get a hold of the town supervisor letting him know that someone got hurt. Supervisor Kaminski and Member Stiles thanked Sandy Price for the meeting that took place today. Price thanked the board for their help and support. Stiles said he likes that they are more open to meet and to establish better communications. Price said that if the town has a question or problem they will take care of it right away. Stiles said that they had a lot of questions answered. Member Denniston asked what was going on with the Jail project. Price said there is still a lot of discussion. Kaminski asked if the meeting was open or closed, because he felt he was ushered out. Price was surprised, as she said all meetings are open. She said there is still a difference of opinion. Price said that the Legislature needs to figure out what the county needs and what it can afford. Price said that they are hoping to find out within the next week. Member Denniston was wondering if there is still talk about a 150-200 bed jail. Price said it's still in discussion. Price asked for the costs associated with a bare bones project and a Cadillac version. Price said that it may come down to building on to what the county has. She said it's still in the design phase. Denniston wanted to know who will be deciding that, will it be the Legislator? Price said that some of it will be from the Legislators and some from the sheriff. Kaminski wanted people to know that if the county borrows thirty-seven million dollars, they are going to be paying back eighty million dollars. Price said that the project is going to raise taxes 8 or 9 % if they don't do anything extraordinary and from what she is hearing folks can't afford any increase. Price said that the new county treasurer is doing a wonderful job. His name is Ralph Canfield Jr. from Marathon. She said he was a former Town Justice. Price felt that the position of treasurer has been discredited, should be restored and she feels that Mr. Canfield is the right person to do that. There was some discussion on the land fill and the raise in the tipping fee to \$5.00. Price also said that the tire shredder hasn't been addressed. Superintendent Morse said that a tire shredder makes sense because mining for shale is expensive. Morse felt that a Tire shredder would pay for itself and could generate income. Kaminski asked when the landfill will close. Price said it might be in approximately ten years, but it depends on how much trash is generated. Member Denniston 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. T. Pelton reported that things are going well. Member Stiles said that they discussed buying a laptop. Stiles felt they should buy one on state bid from Staples. Pelton said that the Ski club is in full swing and going well and she thanked Greek Peak for their support. She said there are a few events planned. There will be a minor change in employees at the before and after school program. One of the high school students is seeking employment else were. Kaminski asked if they were going to advertise, Pelton said they are going to talk first. She said they are not going to offer a huge number of hours. Kaminski asked if everyone was paid up. Pelton said that there are a few families that are behind. Stacy Kelsey will be sending out one more letter and if that doesn't work she will have the board send a letter. Pelton said they have a father daughter dance and a Harry potter book club coming up. Member Denniston 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

**RESOLUTION#17-042 APPROVAL OF THE PURCHASE OF A LAPTOP FOR THE VIRGIL YOUTH COMMISON:** Member Stiles made a motion to approve the purchase of a Laptop for the Virgil Youth Commission on state bid form Staples. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**HOPE LAKE OPERATIONS REPORT:** Wes Kryger reported that there was nothing new to report. He said that the Nordic center is up and running with natural snow. Kryger said that there was some discussion regarding admission to the Nordic center for town residents. Supervisor Kaminski said that the town is going to be going out to bid in August for the operation of the park. Kaminski said that there is going to be a couple of changes. Member Pelton wanted to talk about the repair estimate for the park. Kaminski said that he will write a letter to senator Seward and see what grants are available. Pelton felt that the engineering estimate was very high. They estimated \$324,000 to reshape one end of the lake. Stiles mentioned that half the price if didn't have prevailing wage.

**HIGHWAY SUPERINTENDENTS REPORT:** Highway Superintendent John Morse was present and submitted a written report. Morse reported that 50% of the towns salt supply has been used. Morse said that they will probably have to buy some more before the end of the season. He said it's going to be close. Morse said that Suite Coats cost is \$7.00 a plie, but Ed beard is \$4.00 a pile. He said it's a little further away, but there is a significant cost savings. Morse said that for years Hartford has plowed Bleck Road and Virgil plows Virgil Creek Road. However, he is not happy with the job that Harford is doing on Bleck Road, it's a dirt road and they aren't using salt incorrectly and they are making the road a mess. Now Virgil is going to take care of Bleck Road. Member Stiles motioned to accept the Highway Supervisor report. Member Denniston seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

## **OLD BUSINESS**

**UPDATE ON THE GRANT FOR THE CREEK RECLAMATION:** Supervisor Kaminski said that all the paperwork has been submitted to the State and the town is waiting for reimbursement from the grant. Kaminski said that there is \$12,000 left on the Grant. They are considering additional improvements at the sewage treatment plant, the trees still need to be planted.

**UPDATE ON GREEK PEAK LAWSUIT:** Supervisor Kaminski said that here is nothing new to report.

## **NEW BUSINESS**

**RESOLUTION# 17-043 APPROVAL OF THE PURCHASE OF UPDATED SOFTWARE AND NEW METER READER:** Member Stiles made a motion to approve the purchase of a new Meter Reader and updated software form HD Supply in the amount of \$10,455.95. This money will come from the repair reserve fund for Virgil Water District #1 and will include trading in the old reader. Member Denniston seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

**SURVEILLANCE SYSTEM FOR TOWN HALL:** Supervisor Kaminski said that he is working on this.

**DRAFT LOCAL LAW #1- RENEWABLE ENERGY FACILITIES LAW:** Attorney Snyder said that this will be an amendment to the towns Zoning Law. Snyder said that the towns comprehensive plan, does not cover renewable energy, and it was not covered. Snyder said that it's a long process. He said that the Planning board or a committee would get together to make recommendations. These recommendations would be presented to the town board for a final decision. Then there would be a public hearing, members of the public would have an opportunity to voice their opinions. Then it would have to go in front of county planning board. After that there may be more changes and perhaps another public hearing. Once the Law is approved it would be sent to the Secretary of State. It was stated that the committee would be open to any town resident who wishes to serve and all meeting are open to the public. Code and Zoning Officer Umbehauer suggested contacting Mark Baranello, as he is knowledgeable about solar and he serves on the planning board. Supervisor Kaminski asked the Town Clerk to post the search for committee members on the website. Any interested Town resident may serve on the committee and all committee meetings will be open to the public. Tentative date of a first meeting is Wednesday February 15<sup>th</sup> at 6:00 PM at the Virgil Town Hall. The Virgil Town Clerk was asked to also contact the Planning Board.

**THANK YOU LETTER FROM SENIOR CLUB:** Alane Van Donsel the Virgil Town Clerk read a letter that the Virgil senior club sent to the Town Board. The Senior Club thanks the Town board for a \$1500.00 donation that they used toward their trips on 2016. They also wanted to thank the board for allowing them to use the Town Hall for their meetings. A copy of the letter will be on file in the clerk's office.

**4TH QUARTER SALES TAX:** Supervisor Kaminski commented that the 4<sup>th</sup> quarter sales tax was down about 2% from this time last year.

**BOARDROOM LIGHTING:** Supervisor Kaminski said that the Town Justices wishes to have the lighting brighter in the board room. Some samples were given to the board to look at. Member Denniston asked what kind of light bulbs were in the fixtures now. It wasn't certain. Member Stiles said that he was going to bring a ladder and see if they can upgrade the lighting by putting in a higher wattage bulbs.

**SEWER BILL FOR BROKEN METER AT GREEK PEAK:** There was some discussion regarding a broken water pipe at a condominium at Greek Peak. The owner of the condominium is asking for the sewer portion of his bill to be forgiven the sewer portion of the bill is based on the water meter. He is willing to pay the water portion of the bill, but he is hoping that the sewer portion can be forgiven, as most of the water didn't go into the sewer. The board was unsure how to handle this, they are concerned that it will set a precedence. The board is looking at setting up a policy on this. The board was not given any documentation on how much water was used. They are interested in seeing that. This item was tabled until next meeting.

**RESOLUTION #17-044 WASTE WATER TREATMENT AGREEMENT WITH THE CITY OF ITHACA:** Member Stiles made a motion to accept the Agreement for Sludge Disposal and Treatment between the Town of Virgil and City of Ithaca. Member Pelton seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

**2016 WATER QUALITY REPORT:** Member Kaminski said that the board was provided with the water quality report.

**RESOLUTION #17-045 SET PAYRATE FOR NEW HIRE AT TOWN GARAGE:** There was some discussion regarding the policy on the qualifications on new hirers at the Town Highway Department. Superintendent Morse would like to set the payrate at \$16.00 an hour for a new hire. Member Denniston made a motion to set the pay at \$16.00 an hour based on the job description the highway superintend posted. Member Snow seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None

**DISCUSSION ON NEW TEN-WHEELER:** Superintendent Morse said that he is looking at Piggybacking on a price for a new ten-wheeler. Morse said that the town is on a cycle. Kaminski said that the board always discusses this at budget time. Morse said he has all the numbers and he has it figured out how the town is going to pay for it. Morse wanted to know if they are going to move forward with the purchasing of the truck. Morse feels that this should be done soon. He said it takes five months to build and it

needs to be in service a few months before the winter. Morse said that at budget time he gave the numbers. Kaminski said that they would look at in May. Morse said that the concern is that everyone is doing that same thing. Morse said that this truck would replace the 2002 and the 2004 truck will be surplus. Kaminski said that they would discuss this again at the March meeting, tabling the agenda item.

**TSSERR AGREEMENT WITH TOMPKINS COUNTY:** The board had some questions on the licensing agreement and about the \$205.00 cost. Attorney Snyder said that it doesn't become affective until all municipalities agree. This agenda item was Tabled until more information is received.

**RESOLUTION #17-046 BUDGET AMENDMENTS:** Member Denniston motioned to approve the budget amendments as presented by the Bookkeeper. Member Snow seconded the motion. Discussion: Member Stiles said that he was trying to understand the columns. Supervisor Kaminski said that this helps clear out the books. Highway Superintendent Morse asked if the cost of the backhoe was taken out of the 2016 books. Kaminski said yes. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays-None.

Superintendent Morse said that the backhoe will be delivered next week. Member Stiles said that if it takes any longer to deliver, the company should give the town one to use.

Attorney Snyder wrote a letter to an attorney representing Yaws Environmental. Yaws is trying to say that the Town broke the contract by not giving them ninety days written notice. Supervisor Kaminski said that it went out to bid and that Yaws had a representative at every meeting and that it was on record.

Member Denniston said that he would like to work with the town clerk to look in to expanding the version of the free agenda program. He would like to have something to present to the board in the future.

With no further business to discuss, Member Denniston moved to adjourn the meeting at 8:08PM. Member Stiles seconded the Motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

Respectfully Submitted by,

Alane Van Donsel, Virgil Town Clerk