

**TOWN OF VIRGIL REGULAR MEETING**  
September 14<sup>th</sup>, 2017

**PRESENT:** Supervisor John Kaminski, Board Members Eric Snow, Jereme Stiles, Matt Denniston and Gary Pelton, Attorney for the Town Pat Snyder, Town Clerk/Collector Alane Van Donsel, Craig Umbehauer Code and Zoning Officer, Ken Scherrieble & David Coish Camden Group, Dereck & Jenae Withey W2Operators, Sandy Price County Legislator, Britt Morse Deputy Highway Superintendent, Teri Pelton Virgil Youth Commission, Wes Kryger Greek Peak, Carol Rehkugler and Peggy Ivie.

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

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

**RESOLUTION# 17-093 APPROVAL OF MINUTES**

**Draft of the Regular Board Meeting Minutes dated August 10th, 2017:** Member Stiles moved to approve the minutes for Aug. 10th, 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**Draft of the Special Meeting Minutes dated August 29th, 2017:** Member Stiles moved to approve the minutes for Aug. 29th, 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Stiles and Kaminski. Abstain: Denniston Nays-None

**RESOLUTION# 17-094 AUTHORIZATION TO PAY BILLS**

**GENERAL FUND FOR JULY NUMBER 09:** Member Denniston moved to approve payment of the General Fund's audited vouchers numbered 190- 214 in the amount of \$15,047.54. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

**HIGHWAY FUND FOR JULY NUMBER 09:** Member Denniston moved to approve payment of the Highway Fund audited vouchers numbered 1145-1159 in the amount of \$11,376.24. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None Supervisor Kaminski said that vouchers 1145 and 1146 were pulled last month. Kaminski spoke to the Attorney General and to the New York State Comptroller about the concern. Attorney Snyder said that the board was worried about the appearance of the charges. Snyder said that in General Law there would be a conflict. Snyder said that they explained the situation to the Comptroller and they said under the circumstances where the charges were made, it was ok. The town was under a state of emergency at the time.

**RECREATIONAL AREA CAPITAL PROJECT FUND NUMBER 09:** Member Stiles moved to approve payment of the Recreational Area Capital Project Fund audited voucher's numbered 5000-5001 in the amount of \$5,825.00. Member Denniston seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None There was some discussion regarding these vouchers. Some of the payments were for the painting at Hope Lake Park and the other charges was for the grant work done by Cedarwood. Member Stiles said that it's not the full amount, they billed for time they have invested. Member Pelton said that he is satisfied with the painting that has been done at Hope Lake. He felt it was a good job for the cost.

**SEWER DISTRICT #1 FUND FOR JULY NUMBER 09:** Member Denniston moved to approve payment of the Sewer District #1 audited voucher's numbered 2073-2085 in the amount of \$9,459.43. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**WATER DISTRICT #1 Fund FOR JUNE NUMBER 09:** Member Denniston moved to approve payment of the Water District #1 audited vouchers 3036-3040 in the amount of \$5,130.56. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**MONTHLY REPORTS**

**SUPERVISOR'S MONTHLY REPORT FOR AUGUST 2017:** Member Stiles moved to accept the Supervisor's Monthly Report in Long form for August 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays –None Still in good shape ¾ way through the year accts look healthy

**TOWN CLERK'S MONTHLY REPORT AUGUST 2017:** Member Stiles moved to accept the Town Clerks Monthly Report for August 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. Member Snow asked Camden about a failure on a test. Owner Scherrieble said one item failed the 7-day GTO test, but they passed the 30-day test. Scherrieble said that the chlorine was low during the 7-day period. He said that Sometimes there can be a high residual that fails-. He said that they found out that the chlorinator wasn't performing correctly, but it has all been taken care of. There was some discussion on the dumpster. Member Stiles said it is still there. The board asked if a letter had been sent to the company. Attorney Snyder said yes. The board told the Britt Morse to go pick it up and Bring it to the Highway garage. 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:** Dereck Withey reported that there was an issue with a control valve leaking. He said it had been leaking for a while. Withey said that the grooves inside the valve were all pitted. Withey said that they had the nut replaced and there is no more leaking. Withey said it took five weeks to get the new nut. 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 There was some questions regarding a charge for euthanasia from the Animal Shelter. Supervisor Kaminski said he was going to look into it.

**CODE ENFORCEMENT AND ZONING OFFICERS REPORT:** A written report was submitted by Code and Zoning Officer Craig Umbehauer. Member Stiles asked Code and Zoning Officer Umbehauer how many hours a week he works. Umbehauer said that he doesn't know, as he doesn't keep track. Stiles asked for a ball park figure. Umbehauer said maybe 15 hours a week. Stiles asked Umbehauer if he has been doing fire inspections. Umbehauer said that he has done a couple throughout the year. Member Snow asked about a report about stone on Route 11. Umbehauer said that the residents name is Stone and if has to do with the vehicles that were parked on route 11. Umbehauer said that the town was going to take him to court, be he got rid of the vehicles the day before the court date. Member Denniston 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

**COUNTY LEGISLATOR'S REPORT:** County Legislator Sandy Price submitted a written report. Price thanked board member Matt Denniston for joining the workers compensation board. Price said that they are waiting for Cortlandville, Solon and McGraw. She is hoping that they can meet in October. Price said that they are working on the biggest document that they work on all year, the budget. Price asked the board if they have any thoughts on the budget. Member Stiles asked how the budget process is going to go without having Peggy Mousaw. He is wondering how things stand. Price said that the county treasurer with take a large role and that the legislature will have to be active participants. Price said that she finds budget time an exciting time of year, but that others don't. Price said that she likes it because she learns a lot. She said that it is Evident that they will have to make cuts. She said that something is important to someone, so that makes it hard. Stiles said that the County can't keep spending money. Price agreed and said the tax payers can't afford it. Supervisor Kaminski said he would like to have a discussion on where the county is going without Mousaw? Price said that at this point there is no money in next year's budget for a county administrator or for a budget officer. She said that a lot of time and decisions have to be made before the budget is done. Stiles said that the county keeps cutting that position and they keep spending money, he feels it's a key factor to have someone in that leadership role. Price said that having someone on top of the finances is important. Kaminski said that he is concerned that not all of the legislators know what is being spent. Member Pelton said they need the right person in that position. Member Denniston asked if the county has any long-range plans? Price said that long range planning is continuous and it is built into the budget. She is fearful that road construction and maintenance might be cut. She said that is why the roads are in the condition they now, because they have been cut in the past. Price said that buildings and grounds, the sheriff and planning department are all funded by a 100% of county taxes. Stiles asked where the 10% increase come from. Price said they have it down now, but it's still high. She said that they need to maximize revenue and they need to be smart about expenses. She said that they don't want to over budget or under budget. She said this has happened in years past she said that the boarding out of prisoners was under budgeted. Price said they always have a contingency that gets replenished every year. Supervisor Kaminski said that the board will not be able to make the meeting next Tuesday, as they have their first budget meeting. Member Stiles stated that he feels a lot of money has been put into South Cortland Virgil Road and West State Rd. he said at least \$750,000. Which is almost a million in the last five years to band aid the road. He was wondering how much it would cost to black top the road which would be a long-term fix. Deputy Highway Superintendent Britt Morse said that with all drainage that is needed, it would be really expensive. Stiles said that it is too bad that the road is still in poor shape. Morse said that they need to think of how many roads the county has maintain. Stiles feels that the process doesn't make sense.

There was a question about flow control. Price said that it has been researched and refined by Greg Ern. Stiles said that he thinks that the numbers are inflated. He wanted to know how they know how much is dumped outside the county. Price said that the budget committee hasn't reviewed that line yet. Supervisor Kaminski said that the board will not be able to make the meeting next Tuesday, as they have their first budget meeting.

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. Supervisor Kaminski asked Pelton if she had read the emailed he sent her. Pelton said yes, but that the article didn't give her much information. She went to the New York State childcare website and found out that as long as the summer program and before and After School Program is considered a drop-in center the program is ok for school aged kids. Kaminski said that he is going to verify the information. He said that the numbers were down for the summer program and it might not happen next year. Pelton said that one of the issues is that it is only a six weeks program. She said that most parents need it to run all summer. Kaminski said that he needs to meet with Stacey regarding one parent that is not keeping up on payments. 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 reported that Greek Peak submitted a letter to extend the park agreement contract. Kaminski asked if the ruts in overflow have been fixed. Kryger said that is pending what is going to happen with cleaning up of the lake. Kaminski said that needs to be fixed now. Kryger said that it will be done tomorrow or Monday. Kaminski said that a couple town board members want to discuss the contract. Member Pelton would like to allow town residents to have access to the cross-country skiing area that runs on town trails. Pelton can't see why residents can't use the town path. The board would also like to make it a 2-

year contract instead of three. Kryger said that he didn't know how they would police the Nordic Center. Pelton said that residents would be informed that they can only ski on the town trails. Kryger said that the board is saying that town residents will be able to use the Nordic center for free? Kryger said that as the operator they still have payroll and maintenance costs. Kaminski said they will look at it next month.

**HIGHWAY DEPT. SUPERINTENDENTS REPORT:** Deputy Highway Superintendent Britt Morse was present and submitted a written report. Supervisor Kaminski praised B. Morse for the reports that he has been presenting. There was a comment about the 2007 international costing a lot in repair fees. B. Morse said that there is a truck that has an oil problem. Morse said that most of the debris from the flood has been cleaned up. He said there is still some on Pauderbaugh Road and on Artimis Drive. Member Stiles asked if the 1994 truck can be put on auctions with a plow attached to see what the town can get out of it. Kaminski said that one of the town trucks had a stone kick up and hit a windshield. Supervisor John Morse took the call. The owner of the car said it hit the windshield and she wants the town to pay for it. A representative of the town will be calling her. Attorney Snyder said that the board can approve a payment up to a certain amount. B. Morse was wondering if the town wants to pay out of the budget or to turn it into insurance. The board will have to decide what is more cost effective. 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.

**RESOLUTION #17-095 APPROVE PAYMENT FOR WINDSHIELD DAMAGE:** Member Stiles made a motion to approve paying for a damaged windshield provided the cost to fix it is under \$500. Member Denniston seconded the motion. MJS under 500. Take care of it. . Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

## OLD BUSINESS

**UPDATE ON STORM DAMAGE- DREDGING HOPE LAKE:** Supervisor Kaminski said that the town received a price on dredging the lake. He said that he was hoping for confirmation from the State. Kaminski's said that since the Virgil flood there has been two major floods in United States. Kaminski said that if don't hear back with a confirmation letter by Oct. 12<sup>th</sup> the board will order the valve closed and allow the lake to fill back up. He is hoping then that dredging will take place in the spring. Wes Kryger said that the valve will have to be closed by end of October to have it filled back up and be clear enough to make snow. Kaminski said that the bids are only good for 30 days. Member Stiles said that there is a fine window of time. He said he didn't foresee it happening this year. Kryger is concerned. He said that the clarity of the water has a major impact on making snow. He said it takes a long time to fill up and then it must settle. Kryger said that If they don't start digging in the next week or two Greek Peak is done for this year. Attorney Snyder said that the board would have to have a special meeting to approve the contract. He said that the board must come up with a plan.

## NEW BUSINESS

**PENN POWER AGREEMENT:** This item was tabled as the Member Stiles said he would like to talk to Camden Group first.

**SOME FURTHER DISCUSSION TOOK PLACE:** It was discussed that the phone company needed to fix a line at the highway garage in order to be able to get 911 calls there. Member Stiles said that Frontier has taken care of.

Supervisor Kaminski said that he has been approached to have the Town Board write 3-4 paragraphs for the Virgil Newsletter. He would like to see a member of the town board write something about what has been happening on the board this year.

Member Stiles would like to get the boards opinion on amending the zoning law to go from 350 feet or road frontage to 250 feet. He said that the 350 feet requirement is a discouragement for people who look to move here. He would like to see the law state not less than 4 times the width. Stiles said he would have something for the next meeting. Attorney Snyder said that it would be a good idea to consult with the planning board. He said any changes should get their opinion. Stiles said that he is willing to talk to them. He said that they are going through a lot of variances. Member Denniston said it is ok with him if it's ok with it rest of the board ok.

There was some discussion regarding a Political sign issue. Attorney Snyder said there is a publication that is 50 pages long and it's complicated. Member Stiles wanted to know if the board could specify to exclude certain signs. Stiles feels that it violates freedom of speech. There was some discussion about the Town of Groton and concerns with political signs. Snyder said that the size is the concern. Member Denniston asked if our law discriminates against the type of signs. Snyder said no. Further discussion took place. Supervisor Kaminski said that he law does say political signs. He feels that freedom of speech trumps that. Stiles said that they need to look at the law to make sure our language is correct. Snyder said that he will work on it.

With no further business to discuss, Member Stiles moved to adjourn the meeting at 7:18 PM. Member Denniston seconded the Motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

Respectfully Submitted by,

Alane Van Donsel, Virgil Town Clerk