

**TOWN OF VIRGIL REGULAR MEETING**  
December 14<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, John Morse Highway Superintendent, Britt Morse Deputy Highway Superintendent, Teri Pelton Virgil Youth Commission, Wes Kryger Greek Peak, Chris Muller Spectrum Communications, Carol Rehkugler, Dale Taylor

**6:30PM PUBLIC COMMENT:** Chris Muller from Charter Communication Aka Spectrum attended the Town Board Meeting to answer questions from the board. Supervisor Kaminski said that Spectrum has cable tv in the eastern side of town, but they do not provide highspeed internet to residents. Muller said that the franchise agreement is only for cable tv. Kaminski said that the cable system runs from Cortland down Page Green Road and he would like to see the service offered to residents on that road. Muller said he wasn't familiar with the area, however if that line is dedicated fiber for Greek Peak it can't be tapped into. Kaminski said that he is trying to get residents in the community highspeed internet. Kaminski said that he would like to get Spectrum to help with that. He said that the board is trying to help our residents. Kaminski said that Carol Rehkugler is a resident who is struggling with this issue. Rehkugler said that there are a number of professionals on Carson Road that can't work remotely from home due to the internet concerns. She said that there is a large farm up there that can't function property due to the internet issues. Muller said to send a list of residents with concerns in an Email. Kaminski said that Hafele TV is looking to expand. Kaminski said the Hafele has contacted your company and he is getting the run around. Muller said that there are federal rules and that franchises are not exclusive. Kaminski said that right now he is struggling with National Grid. Haeefe is making an effort to get High speed internet to residents. The Town's Attorney made some recommendations on the Spectrum contract. Attorney Snyder said that they have communicated via Email. Snyder wanted to point out a couple of the highlights. The Board was wondering about the Franchise fee and to find out if Charter was willing to waive the fee. Muller said that they are no willing to waive the fee and they have the right to do that. Snyder asked if they waive the fee for any other towns. Muller said that he can't say that they don't do that for any other towns. If, however it is done in other towns, it was done it was done under the previous person in his position. Snyder asked if there is an Emergency Alert System. Muller said yes, and they have to run tests that are mandated on a scheduled basis. Snyder said that he didn't understand the town not holding the cable company harmless. Muller said that he will have to look at that clause again. Snyder was wondering about the proposed condition on an auditor. It states that the cable company prohibits the town from being compensated. Snyder didn't understand why a cable company would have the right to request an auditor. Snyder said that those were the main issues. Muller felt that they could be worked through and the duty to defend can be discussed later. Muller said that they need a reasonable amount of time to defend if need be. Supervisor Kaminski thanked Muller for coming. Kaminski said they will compile all the information and get back to him. Muller said that he just recently took over this area and feel free to give Lee Haeefele his information.

**THE REGULAR MEETING WAS CALLED TO ORDER**

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

**RESOLUTION# 17-114 APPROVAL OF MINUTES**

**Draft of the Regular Board Meeting Minutes dated November 09th, 2017:** Member Stiles moved to approve the minutes for Nov. 09th, 2017. Member Denniston seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

**Draft of the Town Board Public Hearing Minutes dated November 20th, 2017:** Member Stiles moved to approve the minutes for Nov. 20th, 2017. With some corrections, removing Eric Snows name from the report. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Denniston, Stiles and Kaminski. Nays-None Abstain: Snow with corrections- Remove Snow.

**RESOLUTION# 17-115 AUTHORIZATION TO PAY BILLS**

**GENERAL FUND FOR NOV. NUMBER 12:** Member Denniston moved to approve payment of the General Fund's audited vouchers numbered 259- 314 in the amount of \$79,128.61. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

**HIGHWAY FUND FOR NOV NUMBER 12:** Member Denniston moved to approve payment of the Highway Fund audited vouchers numbered 1199-1224 in the amount of \$54,971.63. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow,

Denniston, Stiles and Kaminski. Nays- None A board member question an expense on some tires. Britt Morse said that it was for 4 pickup trucks and two ten wheelers.

**VIRGIL WALKING TRAIL PROJECT NUMBER 12:** Member Denniston moved to approve payment of the Virgil Walking Trail Project Fund audited voucher's numbered 5002-5005 in the amount of \$2,263.09. Member Snow seconded the motion. Vote: Ayes- Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None Supervisor Kaminski stated that the concrete extension of the walking trail turned out nice.

**SEWER DISTRICT #1 FUND FOR NOV NUMBER 11:** Member Denniston moved to approve payment of the Sewer District #1 audited voucher's numbered 2102-2116 in the amount of \$16,907.56. Member Snow seconded the motion. Vote: Ayes- Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

**WATER DISTRICT #1 Fund FOR NOV NUMBER 11:** Member Denniston moved to approve payment of the Water District #1 audited vouchers 3046-3051 in the amount of \$6,529.59. Member Snow seconded the motion. Vote: Ayes- Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

### **MONTHLY REPORTS**

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

**TOWN CLERK'S MONTHLY REPORT NOVEMBER 2017:** Member Stiles moved to accept the Town Clerks Monthly Report for November 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. Supervisor Kaminski asked about the aerator. Coish said that they got it a day after the report was printed and it cost \$1200. 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:** Janae Withey reported that she received a call from Dale Taylor that there was water running at the pump house. She said at first, they couldn't find anything wrong, so they reset the tank. However last Sunday the tank ran at a constant level and they discovered that a power supply went bad. They replaced the power supply and now it's working fine. Member Stiles asked if the water stops have been marked for winter. Withey said that all the fire hydrants have been marked, however the water shut off valves have not. 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 Interim Code and Zoning Officer Kevin Mac Mahon. Supervisor Kaminski stated that the Code and Zoning Officers report was very thorough. 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

**COUNTY LEGISLATOR'S REPORT:** County Legislator Sandy Price submitted A written report. Price was not present for the 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. T. Pelton reported things were going well, however their biggest concern was that they haven't had very many children. She is concerned because more money is going out than coming in. They are thinking about cutting back on some of the staff. She feels that they need to bring it to a level where it's paying for itself. She said that other than that the money is coming in, everyone is paying. 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 the Nordic Center's tentative opening date will be January 3<sup>rd</sup>. Member Pelton asked Kryger if they were still on for the pricing that was discussed for Virgil residents. Kryger said yes. GP- we did discuss pricing. Member Stiles motioned to accept the Verbal Hope Lake Operations report from Wes Kryger. The motion was seconded Member Snow. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None Verbal JS ES.

**HIGHWAY DEPT. SUPERINTENDENTS REPORT:** Highway Superintendent John Morse and Deputy Highway Superintendent Britt Morse was present and submitted a written report. Morse reported that the crusher was working well for two days and then it froze up. He said that it will take about three weeks to fix. John Morse said that at budget time an employee wanted a raise, Britt and John went along with it, however they are concerned because he can't do what the other men do, and they are afraid he may be getting worse. They said that another employee has stepped up. Member Stiles told Morse that he will have to talk to the underperforming employee. Stiles said that raises will be discussed at organizational time and he would hope that someone would talk to the under performing employee before that. Morse said that Britt has talked to him. They have talked to him about withdrawing the raise. They need to discuss this with him now, because the board doesn't want it to seem like the board is the one making the decision. He needs to be made aware. It will then be done by the recommendation of the Highway Superintendent. 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**

**UPDATE ON STATE OF EMERGENCY AND FEMA FUNDING:** Supervisor Kaminski said he has been informed that the town will not be reimbursed from FEMA for the flooding that took place last summer. The town will be getting \$26,191.88 for winter storm Stella. Kaminski said that they still need to dredge the lake. He feels that the town can do it on their own by renting some equipment and then dredge and stock pile the debris. He wasn't sure to start in the spring or to wait until the end of the summer. He predicts it will take about three weeks. He is hoping to get volunteers. Member Stiles has some thoughts and concerns. He is concerned about getting into the lake, because this has dragged on so long. His other concern with doing it in the spring is that the Lake will not be able to be open for the summer. Wes Kryger said that his concern with working on it in the fall is that the water may not be ready for snow making. Kryger said that they could start draining it in March. He thinks with the spring rain, it would fill up quickly. Kryger thinks they would be able to open the park at the end of June. It was stated that they have two options, either to dig it in the spring or to wait until the fall. Kryger said that historically there is a huge storm in the spring. Highway Deputy Superintendent Morse is concerned with trucking the debris in and out in the spring, because it's so wet. Stiles said that they will have to put in a temporary road. Stiles said that they can take some gravel out of the south end of the lake. They talked about renting two off road trucks and setting up a volunteer crew. They are hoping to save the town some money that way. Stiles said that he will get in touch with the DEC and he will talk to Mike O'Riley about the grant. It was stated that Beck Equipment will work with the town. They are estimating that they may be able to keep the cost under \$30,000.

## **NEW BUSINESS**

**RESOLUTION #17-116 APPROVAL OF MAVAC CONTRACT:** Member Stiles motioned to approve the 2018 MAVAC Contract. Member Snow seconded the motion. Discussion: Member Stiles wondered why the cost of the contract was different from the previous year. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**RESOLUTION #17-117 APPROVAL OF THE CECSD SNOW PLOWING AND SANDING AGREEMENT 2017-2018:** Member Stiles motioned to approve the CECSD Snow Plowing and Sanding Agreement 2017-2018 Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**RESOLUTION #17-118 APPROVAL OF THE APPOINTMENT OF SHEILA MORSE TO A FIVE-YEAR TERM ON THE BOARD OF ASSESSMENT REVIEW:** Member Stiles motioned to approve the appointment of Sheila Morse to a five-year term to the Board of Assessment Review Appointment Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**RESOLUTION #17-119 USE OF RESERVE FUNDS TO PURCHASE A TRACTOR SUBJECT TO PERMISSIVE REFERENDUM:** Member Kaminski read the legal notice and there was some discussion on this the wording of the legal notice. There was no vote taken.

**3RD QUARTER SALES TAX REPORT:** Member Stiles made a motion to accept the additional sales tax money from the county. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**DISCUSSION ON POSSIBLE HEALTH CARE REIMBURSEMENT:** Supervisor Kaminski said that there could be a possible reimbursement on some of the health care plans. He said there was a discrepancy on how much was being paid for single plan, family plan and two-person plans. He said that some of the Highway employees paid too much. Kaminski said that it has been going on for two years, but last year's books are closed so they cannot do anything about that. He went on to explain that there is no two-person plan. He said that there is only a single and a family plan. It was stated that the bookkeeper was charging everyone the same. No one knew because they didn't look at each other's pay checks. It was stated that it looks like some of the guys caught a break. It was stated that they have a hard time reimbursing people because some paid less. Kaminski said that the town board can give the money back one time through payroll. Member Denniston asked if the town paid the extra money for the family plan? It was stated yes. Member Stiles said that he is not in favor of it. No motion was made.

**DISCUSSION ON PLANNING AND ZONING POLICIES AND PROCEDURES & BUILDING VARIANCES AND PERMITS:** Supervisor Kaminski said that Things have gotten out of hand on how the planning and zoning boards are run. Kaminski wants the boards to take on more of a role. He would like to discuss the new policies and procedures next month. Kaminski presented the board with a draft to look over.

**RESOLUTION #17-120 SET THE DATE FOR ORGANIZATIONAL MEETING:** Member Stiles motioned to approve January 11<sup>th</sup> at 6:30 as the date of the Town Board's Organizational meeting, to be held at the Virgil Town Hall 1176 Church Street. Member Denniston seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None. A legal notice will be put in the paper and one will be posted at the Town Hall.

**DISCUSSION ON ELECTRIC RATES FOR THE TOWN:** Kaminski said that the town is due to start shopping for electric rates. He said that the electric bill is starting to get out of hand. He said that the rate here in now 1.6 and National Grid said they can lock in a .07. He said he would like to switch electric suppliers. He would like to be able to switch from American Power and Gas. It was stated that negotiations can take place with suppliers on rates. More research is going to be done and this topic will be Table until next month to do more research. It was stated that the last bill was \$3200.

**RESOLUTION #17-121 SET A PUBLIC HEARING ON LOCAL LAW #1 OF 2018 SUBJECT ON WATER AND SEWER RENTS:** Member Stiles motioned to approve January 11<sup>th</sup> at 6:15 as the date of a Public Hearing, subject to a Public Referendum on the raising of the water and sewer rents for the water and Sewer District #1. The Public Hearing will take place at the Virgil Town Hall 1176 Church Street. Member Denniston seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**SCHEDULE A DATE TO AUDIT THE TOWN JUSTICE'S BOOKS:** Supervisor Kaminski said that two members of the board needs to set up an appointment with Court Justice Elston to audit his books on either Jan. 2<sup>nd</sup> or Jan9<sup>th</sup> at 6:00 PM.

**RESOLUTION #17-122 APPROVAL OF THE SALE OF VARIOUS ITEMS ON AUCTIONS INTERNATIONAL TO THE HIGHEST BIDDER:**

Member Stiles approved the highest bids of \$13,100.00 for the 1999 International F9300 6X4 Semi, \$410.00 for a gantry & Comet hoist, \$57.50 for a mud sucker, \$310.00 for a Karcher pressure washer, \$1,525.00 for a hydraulic York broom, \$710.00 for a Winpower light tower generator, that was listed on Auctions International. Member Snow seconded the motion. Discussion: There was some question as to where the money goes. It was stated that the money from the tractor will go into the general fund. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**RESOLUTION #17-123 SETTING THE SALARY FOR AN ADDITIONAL TRANSFER STATION WORKER:**

Supervisor Kaminski made a motion to set the salary for Jonathan Nelson to work at the transfer station as \$10.40 an hour. Member Snow seconded the motion. Discussion: Britt Morse said that he spoke to the labor board and there were some stipulations, because he is a minor. Morse said that it will make more sense to have Nelson up there then to have highway worker up there. Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**RESOLUTION #17- 124 SET THE SALARY FOR ADDITIONAL DEPUTY CLERK:**

Town Clerk Van Donsel appointed Jennifer Stiles as a deputy Clerk. Member Dennison made a motion to set Jennifer Stiles salary at \$12.00 an hour. Member Snow seconded the motion. Ayes-Members Pelton, Snow, Denniston and Kaminski. Nays: None. Abstain: Stiles

**EXECUTIVE SESSION:**

Member Stiles made a motion to enter into executive session at 7:25 PM to discuss the law suit with Greek Peak. Member Snow seconded the motion. Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**END EXECUTIVE SESSION:**

Member Stiles made a motion to end executive session at 8:55 PM. Member Denniston seconded the motion. Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

**RESOLUTION #17-125 APPOINT CODE AND ZONING OFFICER:**

Member Stiles made a motion to appoint Kevin McMahon as the Code and Zoning officer with an annual salary of \$24,000 and with a state retirement. Member Denniston seconded the motion. Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

With no further business to discuss, Member Stiles moved to adjourn the meeting at 8:56 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