

TOWN OF VIRGIL REGULAR MEETING

July 13th, 2017

PRESENT: Supervisor John Kaminski, Board Members Jereme Stiles, Eric Snow, Matt Denniston and Gary Pelton, Attorney for the Town Pat Snyder, Town Clerk/Collector Alane Van Donsel, John Morse Highway Superintendent, Britt Morse Deputy Highway Superintendent, Walt Nichols Highway Department, David Coish Camden Group, Doug & Jenae Withey W2Operators, Sandy Price County Legislator, Teri Pelton Virgil Youth Commission, Wes Kryger Greek Peak, Keith Dayton Cortland County Judge Candidate, Bharath Srinivasan Distributed Sun, Donna Lynch and Carole Rehkugler,

6:30 PM PUBLIC COMMENT: Keith Dayton addressed the board. Mr. Dayton is running for the Republican nomination for Cortland County Judge. Dayton said that the current sitting Judge Ames is turning 70 and retirement is mandatory at that age. Dayton is seeking to fill Ames position. Dayton said that according to headlines in the paper, Cortland is horrible. He said there are more Meth labs, break ins, and homicides. Dayton feels that an opening on the Cortland County court is an opportunity to make an impact for change. Dayton said that he has years of experience over seeing families and children in foster care as a Chief Public Defender. He feels that a leader can help get Cortland in the right direction with the help of everyone pitching in. He is ready to take up this battle. Dayton is a Virgil resident and he and his wife raised a family in the community. Dayton said that he teaches law and economy at SUNY Cortland and has taught middle school up to law schools. He went on to say why he feels the community should embrace him as a candidate. Dayton feels that he can turn Cortland in the right direction. He said he cares and he has devoted his life to the Cortland community. Over the last 20 years he has spent 70 thousand hours working in the criminal justice and family court systems and he has the backing of prior actions. He has represented over 25,000 people in the court system. He doesn't just figure out how to put criminals off the street, he tries to get individuals to accept responsibility for their actions. He helps them come up with a plan, yes, they serve time if necessary, but he also helps them and their families get back on the right track. He likes to see them turn their lives around. However, Dayton says, as a Public Defender, he has only had so much power. There are four key points he would like to present. 1. Trials: He would like to ensure trials are handled correctly. He said sometimes trials are handled incorrectly and have to be redone, costing the tax payers a lot of money. 2. Drugs- He has represented over 10,000 individuals with drug crimes, he has a sense of where they are coming from. He feels it is important to put self-there. He said he can support treatment, but if treatment doesn't work, then jail. 3. Incarceration: He feels that as Judge he can have an impact on the amount of incinerations there are in the county. He Feels case where there is clear guilt could be done sooner, to get folks out of our jails, such as the Palm garden case. 4. Time: Dayton said this is not going to be a short-term fix, he is 48 years old and he would have the ability to serve multiple terms. He has an opponent that can only serve part of a term due to age restrictions. Supervisor John Kaminski thanked Dayton for addressing the board.

Carole Rehkugler addressed the board regarding a situation where parts of Virgil are a virtual internet desert. Rehkugler said that high speed 10-50 mbs doesn't exist in Virgil and that the town is down to 2 or 3mbs. Rehkugler called Frontier Communications and they said that they can't make it any faster, yet we are all still paying for high speed internet. She said that ATT and Haefele doesn't have the rights. Rehkugler said that she went on web and looked up public service commission. They said that this is supposed to go before the state attorney general. Rehkugler said that this is a big problem. Supervisor Kaminski said that he was under the impression that Haefele applied for a grant to run lines where there is not a commitment from another company, and that they got the grant that will pay for 80% of the project. Rehkugler said if it goes to state attorney general they may generate some support. Kaminski said that he will get ahold of Haefele. Attorney Snyder said that franchises are not exclusive and that more than one can serve in an area. It was stated that problems may arise from renting space on the poles. It was stated that this maybe where attorney general gets involved.

6:45 PM –THE REGULAR MEETING WAS CALLED TO ORDER

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

RESOLUTION# 17-085 APPROVAL OF MINUTES

Draft of the Regular Board Meeting Minutes dated June 08th, 2017: Member Stiles moved to approve the minutes for June 13th, 2017 with corrections. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

Draft of the Special Board Meeting Minutes dated June 15th, 2017: Member Denniston moved to approve the minutes for June 15th, 2017 with corrections. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

RESOLUTION# 17-086 AUTHORIZATION TO PAY BILLS

GENERAL FUND FOR JUNE NUMBER 07: Member Denniston moved to approve payment of the General Fund's audited vouchers numbered 128-164 in the amount of \$ 31,344.57. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

HIGHWAY FUND FOR JUNE NUMBER 07: Member Denniston moved to approve payment of the Highway Fund audited vouchers numbered 1115-1129 in the amount of \$93,034.90. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

SEWER DISTRICT #1 FUND FOR JUNE NUMBER 07: Member Denniston moved to approve payment of the Sewer District #1 audited voucher's numbered 2052-2061 in the amount of \$7,516.10. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

WATER DISTRICT #1 Fund FOR JUNE NUMBER 07: Member Denniston moved to approve payment of the Water District #1 audited vouchers 3026-3030 in the amount of \$4,145.36. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

MONTHLY REPORTS

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

SUPERVISOR'S MONTHLY REPORT FOR MAY 2017: The May report was tabled due to the fact that it was not attached to the agenda online. **TABLED**

SUPERVISOR'S MONTHLY REPORT FOR APRIL 2017: Member Stiles moved to accept the Supervisor's Monthly Report in Long form for June 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 Denniston moved to accept the Tax Collectors Monthly Report for the period of January 01st 2017-June 01st 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

SEWER DISTRICT OPERATIONS REPORT: Representatives Dave Coish were present from the Camden Group. 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 and Janae Withey were present. 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. Supervisor Kaminski and Deputy Supervisor Stiles asked Umbehauer what the notice of Violation was at the Town Hall. Umbehauer said it was supposed to be a joke and that they should ignore it. Member Snow asked Umbehauer about the letter sent to the residents on RTE. 11. Umbehauer said that they were sent a Notice of Remedy. Umbehauer said that he gave all the information to the judge. He said that the residents will be served with a summons through our court. Umbehauer said it's just a matter of setting up 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 asked if there were any questions or comments. Supervisor Kaminski said that he met with the county last night regarding shared services. He said there was a lot of options for shared services, such as, the court, highway department and town clerk. Kaminski said he doesn't see this happening. He said they might as well consolidate towns. Kaminski told Price that Virgil will defer this year. Kaminski said that the town will have to come up with ideas. Member Stiles said that he felt this was sprung on towns at last minute and that there are no clear directions. He also feels the town should defer this year. The town will have to prove that they are looking at ideas. Price said that there are no large cost saving ideas on the table. Member Denniston wanted to clarify that if the town defers this year that something will have to be done next year. Stiles thinks that this will fail, just like the tax cap has. Denniston said that they will have to keep talking to the county. Price said that this is good input. Stiles was glad that the county is including the towns. Price said that the process has been a very good exercise and she doesn't feel it was a waste of time. Kaminski said that they need to keep all options open and this will be addressed next year. Kaminski said that they have made some gains, but not huge steps. He said that the county is looking in to joining the health care consortium and they are looking at how compensation cases are settled. Kaminski said that he has been discussing workman's compensation with the county. Kaminski said that he is going to propose that an appointed group of people oversees workers compensation. Kaminski said that he hasn't seen one piece of paper from the county regarding workers comp. He would like the town to be informed of any claims made by town employees. Kaminski said that there needs to be someone who has experience in charge of workers compensation instead of someone with no experience. Having an attorney heading the workers compensation is crazy, in the past it was an elected official. Price said that when the county administrator left the county attorney took on that responsibility. Stiles said that he would like to look into how much has been spent on South Cortland Virgil Rd. He said that every year a band aid is put on it, He said that there has been a lot of money dumped into that road and it's still not good. He would like to see how they much money has been spent on that road. 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 that the Before and After School Program has hired two individuals. She said that they have plans to make the summer program more fun. They have a bus that will pick up the kids and take them to Hope Lake. Lesson plans are being done and new activities and games are being planned so the program is fresh. Pelton said that 12 children are enrolled and five leaders work trading hours. Member Stiles wanted to know if the Youth Commission is using the old sign by the cemetery. He said that it is hard to mow around. He would like to remove it, if they aren't using it. Pelton said that she would bring it up at the next meeting. Stiles also wanted to know if the Youth Commission had any plans to paint the building. Pelton said that it can be done. 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 there is no instructor for swim lessons this year. Kryger said that they had hired someone, but then they backed out. He said that the ruts are still there, but they plan to fix them soon. Member Pelton wanted to know a timeline when the work will be done. Kryger said that the work will be done with JR. quails crew and they are trying to work with a normal crew. He said it's going to take new sod seed and hay. Kryger said that they have been mowing it. Pelton thanked Kryger for fixing the sign.

HIGHWAY SUPERINTENDENTS REPORT: Highway Superintendent John Morse and Deputy Highway Superintendent Britt Morse were present and submitted a written report. Supervisor Kaminski apologized for forgetting to get the figures on the highways portion of the grant for the waste water treatment plant work. He said he would get the figures from the bookkeeper on Tuesday. Kaminski asked if they put the truck on auctions international. It was stated that it will and they will have a report at next month's meeting. Kaminski asked if there was a delivery date on the new truck. Morse said that Tracey's will send it to Henderson's for completion. They are looking at a delivery around Thanksgiving. Morse said that he will meet with Dan Petrella regarding the CHIPS money next week. Morse is looking for invoices regarding the truck, He said that he never got them from Gina. Morse said that the money is not the same. There was some discussion regarding an invoice for 350.00. He said that he was going to talk to Norse on Tuesday. There was some discussion regarding a computer in a piece of equipment. The cost could be between 500 to 1000 dollars. Plus, the cost of the computer is close to 3500. Morse said they are putting in a large culvert pipe on Lash Road. They are planning on using some of Harford's equipment. The road will be shut down. Member Denniston motioned to accept the Highway Supervisor report. Member Snow seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

OLD BUSINESS

DISCUSSION ON SOLAR PANELS FOR THE TOWN OF VIRGIL- SURVEY OF THE HIGHWAY GARAGE LAND: Supervisor Kaminski said that Member Stiles is working on getting a quote for a survey at the highway garage.

CHARTER COMMUNICATIONS AGREEMENT: Supervisor Kaminski said that attorney Snyder made some changes to the contract and now they are waiting for Charter to respond.

DISCUSSION ON WORKMAN'S COMPENSATION- EMAIL: Supervisor Kaminski met with the county Tuesday morning. The town board is not happy with how works compensation is being managed. He said that a lot of town supervisors are on board with establishing a 9-member board to oversee workers comp. Kaminski is going to come up with a proposed list. Kaminski said that he got a price quote from a company For workers comp. Workers comp is going to go up next year. Member Stiles said it's supposed to go up \$10,000, but Mousaw messed up. So, it's now \$55,000 and it will be going up another \$23,000. Comp Alliance gave a quote of \$24,000- \$33,000 thousand a year. The board has asked the county for a buyout price. McNeil, said that they had no idea that the town wanted a buyout price. The county attorney said she needed it in writing, but then did nothing. Kaminski said that the insurance company begged the town not to leave. By leaving it will make the cost go up at the county level. If the town wishes to leave they need to give notice by July 31st. There is a loop hole, according to case law, that municipalities can't hold it over another municipalities head as to what they do. Kaminski is going to meet and give demands on how things are done. He said that he is working through that right now. He wants to make sure the town gets the paperwork that they aren't getting. He said they don't need names, but they want to know the claims. The last claim that the town had, the wife of the employee, told town what was going on, and things weren't being done. Member Snow said that besides the lack of input, he is also concerned with the cost. Kaminski said that they still need a buyout number. He is also concerned with switching companies, if they come in with a lower price, but then bump up the next few years. Kaminski said that he would be happy if they got control and knew what goes on. Stiles said that the board should have the right to know what goes on with town of Virgil employees. Member Pelton asked if the contract could be predicted on future years. Stiles said that it is based on the number of claims. Kaminski voiced his concern with the amount the county has in reserves for the compensation. He said it should be in the millions, but its only \$300,000 and that is not good. CompAlliance looked at the county's plan and they feel it's grossly underfunded. Kaminski said that the county doesn't know how to manage it. Stiles said that the town is going to pay for it one way or another. Kaminski said that our legislator Sandy Price is even blocked from certain meetings. Stiles said that Price didn't even know that one of the safety officer doesn't have a job anymore. It was stated that the county needs new leadership. Kaminski said that the county has been given notice.

LYNCH PROJECT- SEQR: Some discussion took place regarding the solar project from SUN8. It was stated that there are five documents that need to be looked at. Bharath Srinivasan from Distributed Sun spoke about the project. He said the company is in Washington DC and this is the 5th year that they are operating in New York. He said that they built solar arrays in Ithaca, Tompkins County, Harford, Seneca and in Cayuga County. He said that in the last 2 years regulations have changed. Residential customers are able to buy solar electricity at a discount. Srinivasan said that the Lynch project on Page Green Rd. is a community solar project. He said that the land is leased from the land owners. He said that the plans submitted shows what the site will look like. He appreciates the opportunity. A month ago, they were only in the primary planning phase. The solar arrays are on 2 parcels, each parcel has a 2-megawatt array. They needed to be on two separate tax parcels, so they are asking for a subdivision and a lot line adjustment. They are also asking for a variance as well. He went into detail about the project. Srinivasan said that no excavation would be required. The arrays will be connected to the grid. There is three phase Power on Page Green road, however some portions of the line will need to be upgraded and they will pay for the upgrade. The 2nd part of the project doesn't have three phase and National grid will extend that. There will be a fence installed around the arrays for people's protection, but also for protection of their equipment and they will also have security cameras installed. A Storm water analysis will be done and the entire site will be reseeded with a native grass seed mix. He said that the layers of the panels are translucent so grass can grow under them. They will have to get a general permit from the state.

They are working with Cornell and plan to have two sheep per acre to maintain the grass. They will be working with a local farmer so there will be a mutual benefit. Watering the sheep will be the farmer's responsibility. There was some discussion regarding water runoff. Srinivasan said there will be gaps in the panels so that water can flow down. They need to demonstrate that the runoff water is not changed due to the project, the State law is clear on this. There will be some trees removed on two hedge rows. One hedge row will be replaced with a shorter hedge row, so they will not have to worry about shading. A glare analysis has been performed at 8 different vantage points and it has been determined that there are no objectional glare issues. They made sure that Cortland County Airport will have no objectional glare. The board went through each documentation presented: Vegetation Plan- This has to be done according to state law. There will be no stock piling of top soil, if they do it will be covered. They will not let grass grow too tall or get too short.

A Decommissioning plan was discussed. Member Denniston had some questions regarding language in the decommissioning plan. It was stated that there are three options. At the end of 35 years the lease can be extended, the array can be decommissioned or it can stay in operation. Denniston felt that if the arrays are decommissioned the wording, "it will be removed," needs to be added and that it is their responsibility. It was discussed that the silicon in the arrays is very expensive and can be recycled. The Glass is recyclable as well as the silver. Getting off the land is the land owner's responsibility. Srinivasan said that by the 30th year the system will start to be decommissioned. He said that decommissioning costs \$240,000 in the thirty-five years. He said that in year 31 years and onward money will be put into an account for a decommissioning plan. There was some discussion on the glare analysis and it was determined that there are no concerns.

Attorney Snyder said that the town board has become the lead agency and the project requires environmental assessment forms. Snyder said that NYSRDA signed off on the project. The Cortland County Planning Board passed a resolution under the general municipal law and the town board can consider their comments. There was some further discussion regarding the environmental impact statement. There will be a public hearing set up before the next planning and zoning board meetings that will be held on July 24th, 2017. Notice will be posted at the town hall, in the newspaper and on the town's website.

RESOLUTION #17-087 SPECIAL PUBLIC HEARING TO APPROVE THE SQER FOR THE SOLAR PROJECT ON PAGE GREEN ROAD:

Member Stiles made a motion to hold a public hearing on July 24th, 2017 at 5:00 at the Virgil Town Hall to discuss and approve the SQER for the Solar Project on Page Green Road. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

NEW BUSINESS

AUCTION RESULTS FROM AUCTIONS INTERNATIONAL: This item was not put on auctions international yet. The item was tabled.

DISCUSS TRUCK FINANCING: There was not any discussion on this.

SPEED LIMIT CONCERN ON SHERMAN ROAD: Supervisor Kaminski said that there is a long process to lower a speed limit and that there needs to be more than one person concerned.

SET BUDGET WORKSHOP DATES: Supervisor Kaminski polled the board if two Tuesdays in August the 22nd and the 29th as well as every Tuesday in September at 6:00 PM would work. The board agreed.

FURTHER DISCUSSION: Member Stiles said there is a concern with Zoning and Planning board members keeping up on their trainings. He said several are delinquent in their training. Stiles said he would like to hire Pat Snyder to hold some classes in order to bring folks up to date.

With no further business to discuss, Member Stiles moved to adjourn the meeting at 8:30 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