

TOWN OF VIRGIL REGULAR MEETING
August 10th, 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, David Coish Camden Group, Doug Withey W2Operators, Highway Superintendent John Morse, Britt Morse Deputy Highway Superintendent, Rick Horner Highway Department, Craig Umbehauer Virgil Codes Department, Teri Pelton Virgil Youth Commission, Wes Kryger Greek Peak, Chet Feldmann SUN8 PDC LLC, Donna Lynch, Carole Rehkugler, Dawn Willis

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

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

RESOLUTION# 17-089 APPROVAL OF MINUTES

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

Draft of the Special Public Hearing Minutes dated July 24th, 2017: Member Stiles moved to approve the minutes for July 24th, 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

RESOLUTION# 17-090 AUTHORIZATION TO PAY BILLS

GENERAL FUND FOR JULY NUMBER 08: Member Denniston moved to approve payment of the General Fund’s audited vouchers numbered 165-188 in the amount of \$14,829.04. Discussion: Member Pelton asked what voucher #188- Steel was for. Deputy Highway Superintendent Morse that the steel was used to shore up the compactor at the Transfer Station. He said that they bought extra to work on the other compactor as well. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None.

HIGHWAY FUND FOR JULY NUMBER 08: Member Denniston moved to approve payment of the Highway Fund audited vouchers numbered 1130-1147 in the amount of \$22,259.42. Member Snow seconded the motion. Discussion: Supervisor Kaminski said that the board needs to pull vouchers 1145-1146 due to an issue of a conflict of interest. Kaminski said that the Town Highway Supervisor used his own equipment as well as another town employee and billed the town. Kaminski is going to get the Attorney General and the Comptrollers opinion on the matter. Supervisor Morse said that he thought this might be an issue, so he talked to Association of Towns and they said there wasn’t an issue. Kaminski said that he talked to Attorney General and he said that it doesn’t look good. Morse said that the town was under a state of emergency. He said that it was a safety issue for the town. Morse said that the excavator was only 4 miles away. He said he would do that again if he had to. Morse said that there was no intent to make money. He said that if he hadn’t taken care of the issue right away Bill Cutler’s whole house would have been under water. Kaminski stated Highway law 269, he said that the Highway superintendent can use equipment with approval with the town board. Kaminski said that the board has to approve all expenses. Kaminski said that State of emergency money doesn’t come out of highway money. Morse said that in the state of emergency the laws go out the window. Morse wanted to know where the Town Supervisor was Friday night? Where was the representative from the town board? Kaminski said this was brought to my attention and they need to look at it more closely before approving it because the law wasn’t followed. He is concerned with the issue is the renting of equipment from the Highway superintendent and an employee. Morse said that he understands the board doing their due diligence, he said that he has all the paper work to back it. Morse said that it was the right thing to do at the time. Morse feels like the tone feels accusing of wrong doings and that’s not the case. Kaminski said that he is going to have a meeting with the Attorney General. Morse said that he wants to be a part of that meeting. Kaminski said that he wished Morse would have rented the equipment form a third party. Morse said it was done on a Sunday and he couldn’t.

Revised Motion: Member Denniston made a revised motion to pull vouchers 1145 in the amount of \$1,274.75 and 1146 in the amount of 1204 approving the overall amount of \$19,780.67. The motion was seconded my Member Pelton. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

There was some further discussion: member Stiles asked highway Superintendent Morse about a broom tractor. He wanted to know how much the Town paid for the broom tractor. Morse said \$14,000. Stiles was concerned with the cost a roller and a tractor. He said that they are not following the procurement policy. Morse said that the first of the year the board raised the amount the superintendent is authorized to spend on equipment repairs and parts. Morse said that he doesn't usually figure in labor only parts. Kaminski said that it's on repairs which includes parts and labor.

SEWER DISTRICT #1 FUND FOR JULY NUMBER 08: Member Denniston moved to approve payment of the Sewer District #1 audited voucher's numbered 2062-2072 in the amount of \$11,188.28. Member ES 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 3031-3035 in the amount of \$4,550.11. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays-None

MONTHLY REPORTS

SUPERVISOR'S MONTHLY REPORT FOR JULY 2017: Member Stiles moved to accept the Supervisor's Monthly Report in Long form for July 2017. Member Snow seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays –None
GP- capital project sewer upgrade- bond payment.

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

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

SEWER DISTRICT OPERATIONS REPORT: Representative Dave Coish were present from the Camden Group. Supervisor Kaminski said that the Town's Attorney Pat Snyder wrote a letter to the FEHER Rubbish Removal Inc. informing them they have 30 days to remove their dumpster or it becomes the towns. 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 he got a quote for a strainer for the new meter. Withey said that he didn't like the price quote of \$3400. He said he is going to see if he can get it cheaper. He said that town will probably not save much, but he's still going to see. Withey said they replaced the parts on a valve and it has slowed the leak, but it's not totally done. He said it might be a gasket that is leaking. He said he is having a kit delivered. Kaminski asked why the screen is so costly. Withy said he's not sure, perhaps because they are made of bronze. Kaminski wondered if it could be made. Withey said the thought it would be cheaper to replace it. He's looking for the best price. Member Denniston 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 Denniston moved to accept the Animal Control Officer's Report. Member Snow seconded the motion. Member Stiles wanted to know why the town is being charged to euthanize a dog. Town Clerk Van Donsel thought it was because the dog was a stray found in the Town of Virgil, but she wasn't completely sure. She said she would call the Shelter to find out. Stiles said it should be the owner who pays for that. 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 if the Planning board approved everything for the solar project. Umbehauer said yes. 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 was unable to attend 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. 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

RESOLUTION #17-091 VIRGIL YOUTH COMMISSION FINANCIAL REPORT: Member Stiles motioned to accept the Virgil Youth Commission financial report. Member Snow seconded the motion. Supervisor Kaminski said that the Youth Commission has \$43,000 in the kitty. Pelton said that they haven't paid the town yet for payroll. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

HOPE LAKE OPERATIONS REPORT: Wes Kryger was present. Lake is closed due to damage from the flood. Kryger is concerned that the lake is cleaned up in time to make snow in November.

HOPE LAKE PARK COMMITTEE REPORT- Hope Lake Park Committee Chairman Gary Pelton said that the committee met on August 3rd. Pelton said that the committee met to go over the status to the lake. He said they also discussed the grant application that Pelton has submitted to fix the walking trail. Pelton said that they discussed the bridge repair and painting the buildings. Pelton said that the lake has been lowered 6-7 feet. An emergency permit has been obtained from the DEC. The walking bridge on the southeast end of the lake has been closed for safety reasons. Pelton said that he has gotten three price quotes to paint the pavilion, the north bridge and bath house. Member Stiles motioned to accept the Hope Lake Park Committees report. The motion was seconded Member Denniston. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None

EXTEND THE STATE OF EMERGENCY: Member Snow asked how long is the permit form the DEC is good for. It was stated that if a state of emergency is in place. It was discussed to extend the state of emergency. It was stated that the State of Emergency went into effect on July 14 and they will need at least another 60 days to get the work done. Member Stiles made a motion to extend the State of Emergency in the Town of Virgil for another 60 days. Member Pelton seconded the motion. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays- None (It was later determined that the State of Emergency is on effect until rescinded)

HIGHWAY SUPERINTENDENTS REPORT: Highway Superintendent John Morse and Deputy Highway Superintendent Britt Morse were present and submitted a written report. Morse reported that the DEC said that they can take a track hoe in the creeks but they can't physically get in creeks. Morse said that they need to get in Owego Hill, unless they use a big dozer. He said that all the creeks should be taken down 3-4 feet. They have a squash pipe that has been taken downstream. There are issues with Woodchuck Hill. Resident Dawn Willis mentioned Kohne Rd. Kaminski said why don't they put in a clear span bridge like they did at the sewage treatment plant. Morse said that is only going help so much. He said that downstream there will be an issue at the next bridge. Kaminski wanted Morse to give the board a list of creeks that need to be cleaned out. Morse said that its going to be more labor intensive than anything. Kaminski said that the State of New York used to clean out all the creeks, but now they don't. Kaminski said that they will look at the books to see if they can find money to take care of the creeks. There was some concern about upper Tone Road. Morse said that there is no maintenance from the DEC. It was discussed what they were going to do with the debris from Hope Lake. Stiles said that they are going to be stock piling it at the lake. Morse said that next year they can rent a crusher to crush it. Kaminski said that they are out to bid to get work done at the Lake. The bids are due in by August 25th and will be open on August 29th. Member Stiles said that he met with FEMA and state representatives a couple of weeks ago. He said that the state is on board of all the costs to do all the work. However, FEMA needs to approve the prices. He said they should have an answer next week from FEMA. He said that the town and the area met the threshold. Stiles said that he met with Britt Morse and they went through all the large ticket items. He said that anything below \$30,000 wasn't considered. Stiles said again that the work at the lake has gone out to bid to get this moving. Stiles said once they know that the town is going to get money from FEMA they can bond for the costs and then pay it back. Morse wanted to know if the DEC was ok with where they are going to put the gravel. Kaminski said they are going to have to be. 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

BUDGET WORKSHOP DATES: Supervisor Kaminski said that he jumped the gun on setting the budget workshop dates. After having a discussion with the towns bookkeeper, the dates will be September 19th and 26th, October 3rd, 10th, 17th and 24th.

RESOLUTION #17-091 APPROVE AQUAFER PERMIT FOR SUN8 SOLAR PROJECT: It was stated that the Virgil Planning Board approved the Aquafer Permit. Member Stiles motioned to approve the Aquafer Permit for the SUN8 Solar Project. Member Snow seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

RESOLUTION #17-092 APPROVE SPECIAL PERMIT FOR SUN8 SOLAR PROJECT: Code and Zoning Officer Umbehauer stated that after a site plan review, the special permit is all that is left for the project to move forward. Umbehauer said that the town board is going to have to create a form to put in the records regarding the Aquafer permit, as this is the first time a town board has done this. Kaminski said that he will come up with something. Kaminski asked the representative from SUN8 what the starting date will be. Chet Feldmann from SUN8 PDC LLC said they will be putting money down with National Grid and breaking ground in the spring. Member Stiles motioned to approve the special permit for the SUN8 Solar Project. Member Snow seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

UPDATE ON STORM DAMAGE- DREDGING HOPE LAKE: Deputy Supervisor Stiles said that the State senators that came down are helping to push to get the FEMA money. If all goes well, they will help get the money. Kaminski said that they have the money in community development fund to make a payment, but they will have to go out to bond for the rest of the amount that FEMA is going to provide. Stiles said that FEMA is only going to give money out on what was damaged. He said that the state will go back and forth with FEMA to figure out a number. Stiles said that the State wants to remedy the problem but, FEMA wants to replace what was there. John Morse asked who is going to come up with a plan. Stiles said that Cedarwood has been working with the town on a grant to help remedy the situation. They will come up with how to engineer this. Morse said that he doesn't know completely stop the issues. Kaminski said that at this point it has cleaned itself out and maybe it will be ok for the next 20 years. Stiles said that if they leave things the way they are, the lake will be filled in. Wes Kryger of Greek Peak this is a time sensitive issue for Greek Peak as they will be concerned if the lake isn't full of water to make snow. Kaminski said that the valve can be closed on Monday and by Sunday it might be filled. It all depends on the weather. If we have a dry fall it might be an issue. Kryger said that the lake has to be settled as well to make snow. Kaminski said they are trying to move forward as quickly as possible. Kryger is hoping it will be remedied by mid Nov. as that's when they anticipate making snow. Kaminski is hoping the town can get in and out but the first of October. Stiles said show me the money first. Kaminski said the bids will be opened by August 29th. He said they will hold a special town board meeting on that day. In the meantime, they will be looking for money to fix the problem. Stiles said they need something in writing from the state and FEMA.

UPDATE ON WORKMAN'S COMPENSATION: Supervisor Kaminski said that there is no change.

DISCUSSION ON HEALTHCARE UPGRADE: Supervisor Kaminski said that the board is aware that the employees want a change. Britt Morse wants to make sure that the numbers aren't going to change. Kaminski said that they are going to have to work with the numbers. Consortium liaison Snow said that they must give the consortium notice of any changes by Oct. 1st.

WATER AND SEWER PENALTY DISPUTE: Supervisor Kaminski said that there is a water and sewer penalty dispute. He said that the town bills the owner of the property and the bill wasn't paid, so there is a penalty. He said the renter paid \$352, but they didn't pay the penalty. The renter feels that they should be forgiven the penalty because they didn't get the bill. Kaminski said that a penalty is a penalty and someone should pay it. The bill was sent to the home owner. Town Clerk Van Donsel said that owner of the property is an absentee owner and he doesn't inform the renter. The renter said that bookkeeper Nourse was sending her bills as well, however

with the issue with the meter reader, it was over looked. The board didn't feel it was the towns issue and they decline forgiveness of the penalty.

NEW BUSINESS

DECLINE AUCTION RESULTS FROM AUCTIONS INTERNATIONAL: The bid for the 1994 International truck 2674 6X4 Dump truck came in at \$3,300. Highway Superintendent Morse suggested that they wait and put it back on f the first of October. Morse said that the tires on the truck are worth \$3000. Morse said the last time they put it on they got a bid of \$4000. Member Stiles motioned to decline the Auctions International Bid Results. Member Snow seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

VIRGIL YARD SALES- AUGUST 19TH: Supervisor Kaminski said that the Virgil Yard Sales will be held on August 19th.

IT SUPPORT CONTRACT: The town of Virgil received an estimate from HPM Tech Services for \$488.19 which included an annual license crash plan. Member Stiles said that they must remove the sales tax of \$13.20. Stiles said he would approve \$474.99. Member Stiles motioned to accept the IT Support Contract, minus the sales tax in the amount of \$474.19. Member Pelton seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

TOMPKINS COUNTY HEALTH CARE CONSORTIUM CLAIMS REPORT: The town board looked at the graph. Member Snow who is also the Health Consortium liaison for the town, said that the consortium had a good year and they are looking at a 5% increase the next year. This is unless town employees go to platinum plan. In the past the increases varied 12- 22 % from year to year. Snow said when the consortium has a good year they save the money for next year. He said they are going to hold it at a 5% increase to keep the costs down. He said they are a non-for-profit agency. Snow said there are no profit margins. It was discussed that if Cortland County joins the group they will bring in another 300-400 people.

BIDS FOR PAINTING BUILDINGS AT HOPE LAKE PARK: Member Pelton got three bids to stain the buildings at Hope Lake. 1. Chucks Painting came in at \$9,000. 2. Econo Painting came in at \$9919.80. 3. Apex Painters came in at \$4465.00. Member Pelton said that Apex's bid was from last year, but he called them and they said the bid was still valid. Pelton said that APEX has done some for Hope Lake in the past. Pelton thinks they will do it this year before the weather gets bad. Kaminski said he's going to look at the books to see where they can come up with the money to get the job done. Member Stiles made a motion to hire APEX painting to paint the building at Hope Lake Park for \$4465.00. If they can't come up with the money from the general fund, Stiles said he's like for them to take it out of the community development fund. He would like it done this year. Member Pelton seconded the motion. Vote: Ayes-Members Snow, Denniston, Stiles and Kaminski. Nays- None.

HIGHSPEED INTERNET CONCERNS: Supervisor Kaminski asked Carole Rehkugler if she had National Grid or NYSEG on her road. Rehkugler said that she has National Grid. Kaminski said that NYSEG frowns on using their poles. Kaminski said that he called Charter and they haven't gotten back to him. He's going to try and figure out why certain areas are locked down. He said according the towns attorney no areas should be locked down. He said that he has been working on it.

PHONE LINES CONCERNS AT THE HIGHWAY GARAGE AND EMERGENCY SERVICE: Member Stiles said that there are two phone lines at highway garage one for fax and one for the phone. Stiles said that they received a letter from county that they are not putting any more money into the emergency system contacted service alert as of Dec. 31. So as of January 1, 2018, the highway garage and the fire station will no longer be on line. Stiles said he would like to get away from the county. He would like to look a private company for both. The issue is that the phone lines at the highway garage have an issue. When it rains they get shorted out? Supervisor Kaminski will be looking into this matter. Member Stiles made a motion to have the service alert system switched over at the highway garage. He said they will need to have the line inspected by Frontier first. Member Snow seconded the motion. Discussion: Member Denniston asked about the cost and if this will be an ongoing cost or a onetime fee. Stiles said that there will be a cost to get it up and running. He said the cost can be split between the town and highway garage with a cost of \$225 each. Vote: Ayes-Members Pelton, Snow, Denniston, Stiles and Kaminski. Nays: None.

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With no further business to discuss, Member Stiles moved to adjourn the meeting at 7:37PM. 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