

September 20, 2016

State of New York  
County of Fulton  
Town of Oppenheim

Minutes of the Oppenheim Regular Board meeting held on September 20, 2016 at the Oppenheim Town Hall located at 110 Route 331, St. Johnsville, NY 13452.

**Present**

Cynthia Breh	--	Supervisor
Patricia Haberek	--	Councilwoman
Cheryl Lynch	--	Councilwoman
John Houle	--	Councilman
Stephanie Gray	--	Councilwoman
Gloria Brys	--	Town Clerk
Scott DeNinno	--	Highway Superintendent
Scott DeNinno	--	Codes Enforcement Officer

**Absent**

Billie Jo Getman	--	Dog Control Officer
Joanne Capek-Young	--	Bookkeeper

Supervisor Cynthia Breh called the meeting to order at 6:30 pm with the Pledge to the Flag.

**Public Hearing**

Supervisor Breh opened the Public Hearing at 6:30 pm for Local Laws #1, #2, and #3 for the year 2016.

1. Local Law #1 – to regulate large public gatherings within the Town of Oppenheim
2. Local Law #2 – to provide for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code
3. Local Law #3 – to regulate the maintenance of real property and the accumulation of junk within the Town of Oppenheim

Anyone present may speak for or against the Local Laws.

September 20, 2016 (cont)

### **Mang Insurance – Peggy Booth**

Peggy Booth was present to explain the different health insurance plans. She stated that CDPHP has changed their plans. The plan that the Town had last year is no longer available. She explained each plan and said that the Town should make their decision in October.

### **Bookkeeper Report**

Joanne Capek-Young was not present but had a report for the board members Councilwoman Lynch made a motion to accept the Bookkeepers report and Councilman Houle seconded it and all board members were in favor.

### **Dog Control Report**

Billie-Jo Getman was not present but had a written report for the board members. She had a busy month with a lot of calls and also took some dogs to the Humane Society Councilman Houle made a motion to accept the Dog control Officers report and Councilwoman Gray seconded and all board members were in favor.

### **Code Enforcement Officers Report**

Scott DeNinno did not have a written report. He stated he collected \$470.00 in fees. He said there are 2 new houses coming into town so that will make a total of 6 new homes. There are 4 permits pending.

It was stated that demolition permits are a problem. Some residents are taken down buildings and not getting a permit so the assessors do not know it and does not take it off the assessment. If someone gets a permit, then the assessors get the information. A demolition permit costs \$50.00.

Supervisor Breh said maybe we should do away with the fees.

Scott DeNinno said that they still will not come and get a permit.

### **Highway Report**

Scott DeNinno said all the paving is done. The employees are mowing and clearing the shoulders on the VanDyke Road, Warner Road and Schulenberg Road.

Scott DeNinno said that they got the excavator back from Catapillar and the machine is still broke. The bill was \$10,000.00 and he said he complained and they reduced it to \$6,800.00. He is trying to get the bill lower.

He stated that the Town had to take the remainder of the salt that was ordered. This year he lowered the allotment to 500 tons.

### **Prices for New Excavator**

Scott DeNinno got some prices for a new excavator

1. Hyundai - \$148,185.00 and 160,185.00 with an extended warranty. They will give us \$20,000.00 for the broken excavator.
  
2. Catapillar - \$198,447.00 and they will give us \$10,000.00 for the broken excavator
3. John Deere - \$190,000.00
4. Doosan - \$160,000.00

Supervisor Breh closed the Public Hearing for Local Law #1, #2, and #3.

### **Motions**

Motion made by Stephanie Gray and seconded by Cheryl Lynch to rescind Local Law #1, #2, and #3 of the Year 2015 which was passed on November 17, 2015. It will be replaced by Local Law #1, #2, and #3 of the Year 2016.

Adopted

Ayes - 5 Gray, Lynch, Haberek, Houle and Breh

Nays - 0

Motion made by Stephanie Gray and seconded by Cheryl Lynch to pass Local Law #1 of 2016 which regulates large public gatherings within the Town . It is as follows:

RESOLUTION AUTHORIZING ADOPTION  
BY THE TOWN BOARD OF THE  
TOWN OF OPPENHEIM, NEW YORK, OF  
LOCAL LAW NO. 1 OF 2016

*WHEREAS*, a Resolution was duly adopted by the Town Board of the Town of Oppenheim for a public hearing, to be held by said Town Board on September 20, 2016, at 6:30 PM, at the Town Hall, to hear all interested parties on a proposed Local Law entitled "Local Law No. 1 of the year 2016," to regulate large public gatherings within the Town; and

*WHEREAS*, notice of said public hearing was duly advertised in the official newspaper of said Town; and

*WHEREAS*, a public hearing was duly held on September 20, 2016, at 6:30 PM, at the Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed Local Law, or any part thereof; and

*WHEREAS*, the Town Board, after due deliberation, resolves as follows:

*NOW, THEREFORE, BE IT RESOLVED*, that, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), it has been determined by the Town Board that adoption of said proposed Local Law No. 1 of the year 2016 would not have a significant effect upon the environment, and could be processed by other applicable governmental agencies without further regard to SEQRA, and, therefore, the Town Board issues a negative declaration with respect to the enactment of such Local Law, and finds it in the best interests of the Town to adopt said Local Law; and

*BE IT FURTHER RESOLVED*, that the Town Board hereby adopts said Local Law No. 1 of the year 2016, a copy of which is attached hereto and made a part of this Resolution; and

*BE IT FURTHER RESOLVED*, that the Town Clerk is hereby directed to enter said Local Law into the Local Law Book of the Town of Oppenheim, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Adopted

Ayes - 5 Gray, Lynch, Haberek, Houle, Breh

Nays - 0

Motion made by Stephanie Gray and seconded by Cheryl Lynch to pass Local Law #2 of 2016 Which provides for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code. It is as follows:

RESOLUTION AUTHORIZING ADOPTION  
BY THE TOWN BOARD OF THE  
TOWN OF OPPENHEIM, NEW YORK, OF  
LOCAL LAW NO. 2 OF 2016

*WHEREAS*, a Resolution was duly adopted by the Town Board of the Town of Oppenheim for a public hearing, to be held by said Town Board on September 20, 2016, at 6:30 PM, at the Town Hall, to hear all interested parties on a proposed Local Law entitled "Local Law No. 2 of the year 2016," to provide for the administration and enforcement of the New York State Uniform Fire Prevention and Building Code; and

*WHEREAS*, notice of said public hearing was duly advertised in the official newspaper of said Town; and

*WHEREAS*, a public hearing was duly held on September 20, 2016, at 6:30 PM, at the Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed Local Law, or any part thereof; and

*WHEREAS*, the Town Board, after due deliberation, resolves as follows:

*NOW, THEREFORE, BE IT RESOLVED*, that, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), it has been determined by the Town Board that adoption of said proposed Local Law No. 2 of the year 2016 would not have a significant effect upon the environment, and could be processed by other applicable governmental agencies without further regard to SEQRA, and, therefore, the Town Board issues a negative declaration with respect to the enactment of such Local Law, and finds it in the best interests of the Town to adopt said Local Law; and

*BE IT FURTHER RESOLVED*, that the Town Board hereby adopts said Local Law No. 2 of the year 2016, a copy of which is attached hereto and made a part of this Resolution; and

*BE IT FURTHER RESOLVED*, that the Town Clerk is hereby directed to enter said Local Law into the Local Law Book of the Town of Oppenheim, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Adopted

Ayes - 5 Grey, Lynch, Haberek, Houle and Breh

Nays - 0

Motion made by Stephanie and seconded by Cheryl Lynch to pass Local Law #3 of 2016 which regulates the maintenance of real property and the accumulation of junk within the Town. It is as follows:

RESOLUTION AUTHORIZING ADOPTION  
BY THE TOWN BOARD OF THE  
TOWN OF OPPENHEIM, NEW YORK, OF  
LOCAL LAW NO. 3 OF 2016

*WHEREAS*, a Resolution was duly adopted by the Town Board of the Town of Oppenheim for a public hearing, to be held by said Town Board on September 20, 2016, at 6:30 PM, at the Town Hall, to hear all interested parties on a proposed Local Law entitled "Local Law No. 3 of the year 2016," to regulate the maintenance of real property and the accumulation of junk within the Town; and

*WHEREAS*, notice of said public hearing was duly advertised in the official newspaper of said Town; and

**WHEREAS**, a public hearing was duly held on September 20, 2016, at 6:30 PM, at the Town Hall, and all parties in attendance were permitted an opportunity to speak on behalf of, or in opposition to, said proposed Local Law, or any part thereof; and

**WHEREAS**, the Town Board, after due deliberation, resolves as follows:

**NOW, THEREFORE, BE IT RESOLVED**, that, pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act (SEQRA), it has been determined by the Town Board that adoption of said proposed Local Law No. 3 of the year 2016 would not have a significant effect upon the environment, and could be processed by other applicable governmental agencies without further regard to SEQRA, and, therefore, the Town Board issues a negative declaration with respect to the enactment of such Local Law, and finds it in the best interests of the Town to adopt said Local Law; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby adopts said Local Law No. 3 of the year 2016, a copy of which is attached hereto and made a part of this Resolution; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to enter said Local Law into the Local Law Book of the Town of Oppenheim, and to give due notice of the adoption of said Local Law to the Secretary of State of New York.

Motion made by Cheryl Lynch and seconded by Patricia Haberek to rescind the Local Law for the Senior Citizen Exemption that was passed on May 17, 2016. It does not have to be a Local Law.

Adopted

Ayes - 5 Lynch, Haberek, Gray, Houle and Breh

Nays - 0

Motion made by Cheryl Lynch and seconded by Patricia Haberek to increase the maximum income for the Senior Citizen Exemption from \$19,999.99 to \$22,999.00 for 15% exemption

Adopted

Ayes - 5 Lynch, Haberek, Gray, Houle and Breh

Nays - 0

Motion made by John Houle and seconded by Stephanie Gray to have Superintendent DeNinno put the 2005 excavator on the auction site.

Adopted

Ayes – 5 Houle, Gray, Haberek, Lynch, and Breh

Nays - 0

September 20, 2016 (cont)

Motion made by Cheryl Lynch and seconded by Stephanie Gray to put \$6,000.00 in the budget to support the Senior Citizen Center

Adopted

Ayes - 5 Lynch, Gray, Haberek, Houle, and Breh

Nays - 0

Motion by Patricia Haberek and seconded by Cheryl Lynch to put \$300.00 in the budget to support the Veterans.

Adopted

Ayes - 5 Haberek, Lynch, Gray, Houle, and Breh

Nays - 0

Motion made by Cheryl Lynch and seconded by Patricia Haberek to have an executive session at 8:57 p.m.

Adopted

Ayes - 5 Lynch, Haberek, Gray, Houle, and Breh

Nays - 0

The Supervisor called the meeting back to order at 9:30 p.m.

Motion made by Stephanie Gray and seconded by Cheryl Lynch to authorize payment of the vouchers

Adopted

Ayes - 5 Gray, Lynch, Haberek, Houle and Breh

Nays - 0

#### **Approval of Minutes**

Motion made by Patricia Haberek and seconded by Cheryl Lynch to approve the minutes of August 16, 2016, August 25, 2016 and September 12, 2016

Adopted

Ayes - 5 Haberek, Lynch, Gray Houle and Breh

Nays - 0

With no further business on a motion by Councilwoman Haberek and seconded by Councilwoman Gray, the meeting was adjourned at 9:35 pm

Respectfully submitted

Gloria J. Brys, Town Clerk