

December 20, 2016

State of New York
County of Fulton
Town of Oppenheim

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

Present

Cynthia Breh	--	Supervisor
Patricia Haberek	--	Councilwoman
John Houle	--	Councilman
Cheryl Lynch	--	Councilwoman
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.

Opening of fuel bids

There was only one bid for fuel and gasoline from Mirabito Energy products in Utica, NY

Codes Enforcement Officers Report

Scott DeNinno handed in a report and \$100.00 for permits issued. Mr. DeNinno issued a violation for people who are living in a shed on Route 29. If they have not moved out or established their permanent residence by the first of the year, then the structure will be posted as uninhabitable and appearance tickets will be issued.

Bookkeepers Report

Joanne Capek-Young was absent but sent her report for the board members

Highway Report

Scott DeNinno stated that last week the highway employees had 20 hours overtime. Also, he stated that there have been no break downs.

Mr. DeNinno said that he would like the board to create 2 part-time positions in case of snow storms. All board members decided not to create any part-time positions.

Supervisor Breh and Superintendent DeNinno will meet with Mang insurance to go over the inventory in the Highway Department.

Mr. DeNinno presented 2 proposals for the purchase of the 2 new trucks. One proposal was to make payments on both the tandem truck and the mini dump truck. The total cost of the tandem is \$213,808.00 and the cost of the mini dump truck is \$61,802.00. The tandem would be for 5 years and the mini dump truck for 3 years. The total first payment would be \$54,954.93 due on 2/20/18. The second proposal would be to make payments on the tandem and pay cash for the mini dump truck with the cash money that we was going to use as a down payment on the first proposal. The total payment on the tandem for 5 years would be \$47,016.84 a year.

Mike Shaftic – resident of Oppenheim

Mr. Shaftic was present to ask the board for a variance on a parcel of land on the Warner Road. The parcel has 280 feet road frontage and is over 4 acres. The town’s law is that the parcel has to be 3 acres and have 300 foot road frontage.

Motions

Motion made by John Houle and seconded by Stephanie Gray to reject the bid for fuel, diesel and gasoline and advertise again and the bids to be due on January 17, 2017 and 6:30 pm at which time they will be opened and read aloud.

Adopted

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

Nays - 0

Motion made by Stephanie Gray and seconded by Patricia Haberek to let the highway employees accrue a maximum of 60 hours at any given time and all comp time has to be used by the end of the year

Adopted

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

Nays – 0

December 20, 2016 (cont)

Motion made by Cheryl Lynch and seconded by Patricia Haberek to purchase the mini dump truck and to buy the tandem truck on payments. The resolution is as follows:


**RESOLUTION OF GOVERNING BODY
EXTRACT OF MINUTES
Resolution #32**

At a duly called meeting of the Town Board of the Town of Oppenheim, held on the day of December 20, 2016, the following resolution was introduced and adopted.

RESOLVED, whereas the Town Board has determined that a true and very real need exists for the acquisition of the Equipment described in the Lease-Purchase Agreement presented to this meeting; and has further determined that the Equipment will be used solely for essential governmental functions and not for private business use.

WHEREAS, the Town Board has taken the necessary steps, including any legal bidding requirements, under applicable law to arrange for the acquisition of such equipment.

BE IT RESOLVED, by the Town Board that the terms of said Lease-Purchase Agreement and Escrow Agreement are in the best interest of the Town of Oppenheim for the acquisition of such equipment, and the Town Board designates and confirms the following persons to execute and deliver, and to witness (or attest), respectively, **Leasing 2, Inc.** Lease-Purchase Agreement and Escrow Agreement and any related documents necessary to the consummation of the transactions contemplated by the Lease-Purchase Agreement and Escrow Agreement.



(Signature of Party to Execute Lease-Purchase Agreement and Escrow Agreement)

Cynthia Breh, Town Supervisor

The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the above and foregoing Lease-Purchase Agreement and Escrow Agreement is the same as presented at said meeting of the governing body of Lessee.



Gloria Brys, Town Clerk

Adopted
Ayes – 5 Lynch, Haberek, Gray, Houle, and Breh
Nays - 0

December 20, 2016 (cont)

Motion made by Stephanie Gray to approve Resolution #33 regarding the speed limit on Route 29 and seconded by Patricia Haberek. The resolution is as follows:

RESOLUTION NO. 33 REGARDING REDUCTION OF SPEED ON ROUTE 29 IN FRONT OF THE OPPENHEIM-EPHRATAH-ST JOHNSVILLE ELEMENTARY SCHOOL

The foregoing resolution was made by Councilwoman Gray and seconded by Councilwoman Haberek

WHEREAS: The Town of Oppenheim has received numerous requests for speed reduction by residents on the following road, and

WHEREAS: the current speed limit for Route 29 in front of the Oppenheim-Ephratah-St. Johnsville Elementary School is 55 mph, the request is that the speed be 40 mph from the Cline Road East and continue past Oppenheim-Ephratah St. Johnsville Elementary School until merging in the area to Oppenheim Fire Station that is currently 40 mph.

WHEREAS: the reasoning is that Route 29 is heavily traveled and since the school merger there is a safety concern because traffic has almost doubled to our Elementary Building and bus garage

RESOLVED: that the Town Board of the town of Oppenheim supports this proposed reduction of the speed limit; AND BE IT FURTHER

RESOLVED: that the Town Board of the Town of Oppenheim will forward the petition to Fulton County Highway for their review and forward to the New York State Department of Transportation; AND BE IT FURTHER

RESOLVED: that it will be recorded in the Town Clerk's minutes and be a permanent record of the Town

ROLL CALL VOTE:

Stephanie Gray	Aye
Patricia Haberek	Aye
Cheryl Lynch	Aye
John Houle	Aye
Cynthia Breh	Aye

Motion made by Patricia Haberek and seconded by Stephanie Gray to authorize payment of the vouchers

Adopted

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

Nays - 0

December 20, 2016 (cont)

Motion made by Patricia Haberek and seconded by Cheryl Lynch to give Mike Shaftic a variance for the property on the Warner Road

Adopted

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

Nays - 0

Motion made by Patricia Haberek and seconded by Stephanie Gray to accept the yearly report from Judge Joanne Capek-Young

Adopted

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

Nays - 0

Approval of Minutes

Motion made by Stephanie Gray and seconded by Patricia Haberek to approve the minutes of November 15, 2016

Adopted

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

Nays – 0

The organizational meeting will be held on January 3, 2017 at 6:30 pm

With no further business on a motion by Councilwoman Haberek and seconded by Councilwoman Gray, the meeting was adjourned at 8:50 pm

Respectfully submitted,
Gloria J. Brys, Town Clerk