

March 21, 2017

State of New York  
County of Fulton  
Town of Oppenheim

Minutes of the Oppenheim Regular Board meeting held on March 21, 2017 at the Oppenheim Town Hall located at 110 Route 331, St. Johnsville, NY 13452.

**Present**

Cynthia Breh	--	Supervisor
Patricia Haberek	--	Councilwoman
John Houle	--	Councilman
Stephanie Gray	--	Councilwoman
Cheryl Lynch	--	Councilwoman
Gloria Brys	--	Town Clerk
Scott DeNinno	--	Highway Superintendent
Scott DeNinno	--	Codes Enforcement Officer
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 on Local Law #1 of 2017 which is a law Establishing regulations for solar farm permits within the Town of Oppenheim. Any one present may speak for or against the local law.

Supervisor Breh stated that this local law will protect the tax payers.

**Chad Handy- Resident of Johnson Lane**

Mr. Handy was present with Rob Garrity , Project Coordinator of Borrego Company and Attorney Mark Sweeney of Hodgson-Russ to discuss a solar farm. Mr. Handy will be leasing about 20 acres for a solar project. Mr. Garrity had maps of the property and explained the 2 different projects which were planned.

**Speed Limit on Route 29**

Supervisor Breh stated that she received word that they are going to come and mark Out Route 29 for the speed limit.

### **Bookkeeper Report**

Joanne Capek-Young was present and had a written report for the board members. She had the 2016 Annual Report finished and went through the report and explained it to the board members.

Stephanie Gray made a motion to accept the Bookkeepers report and Patricia Haberek seconded it and all board members were in favor.

### **Dog Control Officers Report**

Billie-Jo Getman was present and had a report for the board members. She stated that she has given several warnings to dog owners who do not have a license for their dogs. She said that there was a report of someone getting bitten by a Rottweiler on the North Road. She said that it didn't break the skin and the dog owner said that the dog has had all of his shots. The dog did not have a license. Mrs. Getman told the dog owner that he needed to get a license for the dog..

Patricia Haberek made a motion to accept the dog control officers report and Stephanie Gray seconded it and all board members were in favor.

Supervisor Breh closed the public hearing on Local Law #1 of 2017.

### **Codes Enforcement Officers Report**

Scott DeNinno was present and handed in a written report. He issued 3 new permits and collected \$100.00. He plans to begin town-wide junk vehicle and trash inspections as weather permits because he doesn't want people to use the weather or mud for an excuse why they cannot comply.

Stephanie Grey made a motion to accept the codes enforcement officers report and Patricia Haberek seconded and all board members were in favor.

### **Highway Report**

Scott DeNinno said that the new Tandem truck is here. Mr. DeNinno wants the town clerk to put a legal notice in the paper posting the roads starting immediately.

Scott DeNinno said that he had a couple of people come look at the furnace. Mr. DeNinno said that the suggestions were to put in a gas furnace.

Stephanie Gray made a motion to put out for bids a new furnace and John Houle seconded it and all board members were in favor.

Mr. DeNinno will get the specs together.

### **Executive Session**

Stephanie Gray made a motion for an executive session at 8:50 p.m. on personnel and Patricia Haberek seconded it and all board members were in favor.

The meeting was called back to order at 9:45 p.m.

### **Motions**

Motion made by Patricia Haberek and seconded by Stephanie Gray to accept Resolution #36 concerning the Senior Citizen Exemption. The resolution is as follows:

Adopted

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

Nays - 0

## RESOLUTION #36 TOWN OF OPPENHEIM SENIOR CITIZEN TAX EXEMPTION

Section 1. Pursuant to Section 467 subdivisions (a) and (b), et seq., of the Real Property Tax Law of the State of New York as amended, persons who are owners of property subject to taxation by the Town of Oppenheim qualify for an exemption under the terms of such statute and/or Rules and Regulations of the State Board of Equalization and Assessment and/or by any Rules and Regulations of any local Assessment Authorities for the various tax districts located within the Town of Oppenheim, shall be partially exempt from taxation by the Town of Oppenheim in accordance with the following schedule as it applies to such persons and their annual income as determined by such assessing units:

Annual Income From Taxation	Percent Assessed Valuation Exempt Annual Income
\$14,300.00 & Under	50%
\$14,300.01 to \$15,299.99	45%
\$15,300.00 to \$16,299.99	40%
\$16,300.00 to \$17,299.99	35%
\$17,300.00 to \$18,199.99	30%
\$18,200.00 to \$19,099.99	25%
\$19,100.00 to \$19,999.99	20%
\$20,000.00 to \$20,899.99	15%
\$20,900.00 to \$21,799.99	10%

Section 2. Such revised schedule of assessment exemption shall be effective for any taxes levied and collected after March 1, 2018 and subsequent to that date should supersede any prior exemption granted by the town to such statute.

Section 3. The Clerk of the town of Oppenheim is directed to provide a certified copy of this exemption to each of the Assessors and any other authority responsible for the compilation of the Assessment Roll and/or collection of taxes for each property subject to taxation by the Town of Oppenheim.

Section 4. This exemption shall be effective March 1, 2017. Any previous resolution of the Town of Oppenheim concerning such exemptions as granted herein is hereby repealed as of March 21, 2017.

Motion made by Patricia Haberek and seconded by Stephanie Gray to adopt Local Law #1 Of 2017 which establishes regulations for solar farm permits within the Town of Oppenheim

Adopted

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

Nays - 0

Motion made by John Houle and seconded by Stephanie Gray to accept the 2016 report from Town Clerk Gloria Brys

Adopted

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

Nays - 0

Motion made by Cheryl Lynch and seconded by John Houle to accept the Annual Report for 2016 and to have Bookkeeper Joanne Capek-Young file it with the State.

Adopted

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

Nays - 0

Motion made by John Houle and seconded by Cheryl Lynch to rescind the motion for Local Law #1 of 2017

Adopted

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

Nays – 0

Motion made by Stephanie Gray and seconded by John Houle to approve the agreement for the Expenditure of Highway Moneys. It is as follows:

Adopted

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

Nays – 0

### **Agreement for the Expenditure of Highway Moneys**

**AGREEMENT** between the Town Superintendent of the **Town of Oppenheim**, Fulton County, New York, and the undersigned members of the Town Board.

Pursuant to the provisions of Section 284 of the Highway Law, we agree that moneys levied and collected in the Town for the repair and improvement of highways, and received from the State for State Aid for the repair and improvement of highways, shall be expended as follows:

1. **GENERAL REPAIRS.** The sum of **\$76,000.00** shall be set aside to be expended for primary work and general repairs upon 60.46 miles of town highways, including sluices, culverts and bridges having a span of less than five feet and boardwalks or renewals thereof.
2. **PERMANENT IMPROVEMENTS.** The following sums shall be set aside to be expended for the permanent improvement of Town highways:
  - (a) On the Mill Road, commencing at house #409 and extending to the Town of St. Johnsville line there shall be expended not over the sum of **\$105,000.00**.

Type	Hot Mix Asphalt
Width of traveled surface	20ft
Thickness	1.5"
Subbase	Gravel

1.5" of existing pavement to be cold planed. Tack coat applied, and Hot Mix Asphalt laid down. Road width to be widened from 18' to 20' as needed.

(b) On the Warner Road commencing at North Road, and extending a distance of .38 miles, there shall be expended not over the sum of **\$24,000.00**.

Type	Cold Mix Asphalt
Width of traveled surface	18ft
Thickness	3"
Subbase	Gravel

Fog seal to be applied over cold mix asphalt

(c) On Iris Lane, commencing at North Road, and extending a distance of .12 miles, there shall be expended not over the sum of **\$7,500.00**.

Type	Cold Mix Asphalt
Width of traveled surface	16ft
Thickness	3"
Subbase	Gravel

Fog seal to be applied over cold mix asphalt

(d) On the King Road commencing at Lotville Road, and extending a distance of .34 miles, there shall be expended not over the sum of **\$21,000.00**.

Type	Cold Mix Asphalt
Width of traveled surface	18ft
Thickness	3"
Subbase	Gravel

Fog seal to be applied over cold mix asphalt

(e) On the VanDyke Road commencing at North Road, and extending a distance of .23 miles, there shall be expended not over the sum of **\$14,000.00**.

Type	Cold Mix Asphalt
Width of traveled surface	16ft
Thickness	3"
Subbase	Gravel

Fog seal to be applied over cold mix asphalt

(f) On the Stone Road commencing at North Road, and extending a distance of .15 miles, there shall be expended not over the sum of **\$10,000.00**.

Type	Cold Mix Asphalt
Width of traveled surface	16ft
Thickness	2-3"
Subbase	Gravel

Fog seal to be applied over cold mix asphalt

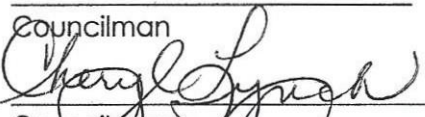

(g) On the Bell Road commencing at County Highway 114, and extending a distance of .15 miles, there shall be expended not over the sum of **\$10,000.00**.

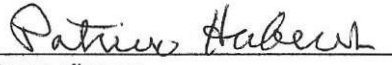
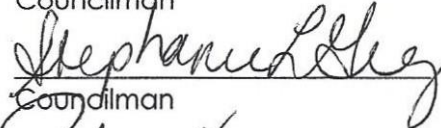

Type	Cold Mix Asphalt
Width of traveled surface	16 ft
Thickness	3"
Subbase	Gravel

Fog seal to be applied over cold mix asphalt

All estimates are estimated values. Permanent improvements shall be reimbursable under The Consolidated Highway Improvement Program (CHIP's). Total anticipated 2017 CHIP's Allotment including 2016 rollover and PaveNY funds is approximately: \$200,400.00

Executed in triplicate this 21<sup>st</sup> day of March 2017

Councilman  
  
Councilman  
  
Town Superintendent of Highways

  
Councilman  
  
Councilman  
  
Councilman

Note: This agreement should be signed in triplicate by a majority of the members of the Town Board and by the Town Superintendent. One copy must be filed in the Town Clerk's office, one with the Town Highway Superintendent and one in the County Highway Superintendent's office.

COPIES DO NOT HAVE TO BE FILED IN ALBANY.

Motion made by Stephanie Gray and seconded by Patricia Haberek to accept the minutes For February 21, 2017 and March 9, 2017

Adopted  
Ayes – 5 Gray, Haberek, Lynch, Houle, Gray  
Nays – 0

Motion made by Patricia Haberek and seconded by Cheryl Lynch to accept Resolution #37 issuing a Negative Declaration of Environmental Significance for the Local Law Establishing Regulations for Solar Farm Permits. It is as follows:

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

**TOWN OF OPPENHEIM TOWN BOARD**

**Resolution of the Town Board of the Town of Oppenheim  
Issuing a Negative Declaration of Environmental Significance  
for the Local Law Establishing Regulations for Solar Farm Permits**

**WHEREAS**, the Town Board of the Town of Oppenheim has considered the proposed Local Law Establishing Regulations for Solar Farm Permits within the Town of Oppenheim, New York (the "Local Law"); and

**WHEREAS**, the Local Law is an Unlisted Action, and the Town Board is conducted its review of the application pursuant to the State Environmental Quality Review Act [ECL Article 8 and its implementing regulations at 6 N.Y.C.R.R. Part 617] (collectively "SEQRA"); and

**WHEREAS**, the Town Board of the Town of Oppenheim has duly considered the Short Environmental Assessment Form, the proposed Local Law in its entirety, and the criteria for determining significance set forth in 6 N.Y.C.R.R. § 617.7(c) of the SEQRA regulations, the comments made at the public hearing, such other public comments as received by the Board and such other information deemed appropriate; and

**WHEREAS**, the Town Board has identified the relevant areas of environmental concern, has taken a hard look at these areas, and has made a reasoned elaboration of the basis for its determination.

**NOW THEREFORE BE IT RESOLVED** by the Town Board of the Town of Oppenheim as follows:

1. That the Local Law does not authorize any specific project and imposes new restrictions such as setbacks, bulk and area regulations and post-operation removal requirements which currently do not exist;
2. That the proposed Wind Energy Facility Law of the Town of Oppenheim will not result in any large and important impacts, and therefore, the approval of the Local Law does not include the potential for any significant adverse environmental impacts. Accordingly, the Town Board issues the attached negative declaration under SEQRA for the Local Law.
3. The reasons for the decision are stated in the attached negative declaration.
4. This resolution shall be effective immediately.

**PASSED AND ADOPTED BY THE TOWN BOARD OF THE TOWN OF  
OPPENHEIM** on the 21st day of March, 2017

NEGATIVE DECLARATION  
Determination of Non-Significance

Town of Oppenheim Town Board

Dated: March 21, 2017

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Oppenheim Town Board (the "Town Board"), as lead agency, has reviewed the proposed Local Law Establishing Regulations for Solar Farm Permits within the Town of Oppenheim ("Local Law"), which creates regulations for solar energy facilities, and has determined that the proposed Local Law will not have a significant adverse environmental impact and that a Draft Environmental Impact Statement will not be prepared.

Name of Action: Local Law Establishing Regulations for Solar Farms within the Town of Oppenheim, New York.

Location of Action: This legislation only creates procedures and regulations, therefore no specific site is involved. Currently, Solar Energy facilities can be placed in any location in Town with a building permit.

SEQR Status: Unlisted Action.

Description of Action: No specific site is involved and no specific facility is permitted. The proposed action involves the establishment of specific regulations for Solar Energy Facilities. The areas where they can be placed is identified, setbacks are created, noise and aesthetic impacts limits are created, as well as operating and safety requirements, and post-use removal requirements.

Reasons Supporting this Determination: Potential environmental impacts associated with Solar Energy Facilities are identified in the Local Law. There are no adverse impacts because the proposed law does not permit any facility. The new law establishes setbacks, bulk and area regulations, noise regulations, operating requirements and removal requirements. The Town compared the current and proposed law to the criteria for determining significance identified in 6 NYCRR § 617.7(c)(1) and in accordance with 6 NYCRR § 617.7(c)(2) and (3). As indicated below in the discussion of each criterion specified in 6 NYCRR § 617.7(c)(1), the Local Law will not have a significant adverse impact on the environment.

(i) a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;



No specific Project site is approved under this proposed Local Law; general procedures and specific limitations are established. It is not foreseeable that any adverse change in existing air quality, ground or surface water quality, traffic or noise levels will result because the change creates new height noise and other limits. Traffic and related noise and air impacts should be reduced because road routes and construction times are now regulated. Also, the Town does not expect a substantial increase in solid waste production, or a substantial increase in potential for erosion, flooding, leaching, or drainage problems will occur. Each site actually proposed for development will have to comply with drainage regulations.

(ii) the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;

It is not foreseeable that the proposed Local Law will result in the removal or destruction of large quantities of vegetation or fauna, interfere with the movement of any resident or migratory fish or wildlife species, adversely impact any significant habitat area, substantially adversely impact a threatened or endangered species of animal or plant, or the habitat of such a species, or create any other adverse impacts to natural resources. For the first time, applicants will have to consider these issues as part of a new permit process. Currently, none of these potential impacts need to be addressed.

(iii) the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;

There is no specific Project site, and therefore no land within or adjacent to a *Critical Environmental Area* as designated under 6 NYCRR § 617.14(g) would be impaired.

(iv) the creation of a material conflict with a community's current plans or goals as officially approved or adopted;

The Local Law strengthens the Town goals by establishing regulations and restrictions for a currently allowable use.

(v) the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;

No specific site is involved. By mandating visual impact and similar reviews, the new law will preserve the character of the of the Town, and it will not impair the character or quality of important historical, archeological, architectural, or aesthetic resources, or of existing community or neighborhood character, and provides increased opportunity to preserve those areas.

(vi) a major change in the use of either the quantity or type of energy;

The change is not anticipated to create a major change in the quantity of electricity or natural gas to be used and will not affect the community's sources of fuel or energy supply, because no increase in density is allowed. Solar Facilities will provide a source of clean energy.

(vii) the creation of a hazard to human health;

No Project is allowed under the proposed law and therefore the Local Law cannot create a hazard to human health.

(viii) a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses;

The Local Law does not change allowable uses, although it limits the area where facilities can be built by creating setbacks.

(ix) the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;

The Local Law will not attract a large number of people to any Project site for more than a few days.

(x) the creation of a material demand for other actions that would result in one of the above consequences;

The Local Law does not permit anything and so will not create a material demand for other actions that would result in one of the above consequences.

(xi) changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or

The Local Law allows nothing, so it will not result in changes in two or more elements of the environment which, when considered together, would result in a substantial adverse impact on the environment.

(xii) two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

The Local Law allows nothing and only establishes regulations for solar projects, so it will not result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

**For Further Information:**

Contact Person: Cynthia M. Breh  
Town of Oppenheim Town Supervisor

Address: Town of Oppenheim  
Town Hall  
110 State Route 331  
Saint Johnsville, New York 13452

Telephone Number: (518) 568-2837

Motion made by Stephanie Gray and seconded by Cheryl Lynch to adopt Local Law #1 of 2017 which establishes regulations for Solar Farm Permits within the Town of Oppenheim.

Adopted

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

Nays - 0

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

Ayes – 4 Haberek, Gray, Lynch, Houle, Breh

Nays - 0

Motion made by Stephanie Gray and seconded by John Houle to accept the Proclamation of Kindness which is as follows

Adopted

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

March 21, 2017 (cont)

**PROCLAMATION**

WHEREAS, the Town of Oppenheim recognized the importance of simple acts of kindness and how these acts can positively impact the recipient of good deeds; and

WHEREAS, people of any age can display random acts of kindness any time, and for unselfish purpose of making a difference in the well-being of family, friends or strangers; and

WHEREAS, doing for others is a way we all recognize a common goal to promote and put together our great Town of Oppenheim, and

WHEREAS, the residents of the Town of Oppenheim are invited to promote kindness and respect, by doing something thoughtful and caring to help brighten someone’s day; and

BE IT THEREFORE RESOLVED, the Town of Oppenheim Supervisor and Town Council proclaims April 1 – 7, 2017 to be

**RANDOM ACTS OF KINDNESS WEEK**

In the town of Oppenheim and ask residents of or town to join with us to recognize and Perform random acts of kindness

Signed this 21<sup>st</sup> day of March, 2017

With no further business on a motion by Councilwoman Haberek and seconded by Councilwoman Gray, the meeting was adjourned at 9:55 pm

Respectfully submitted,  
Gloria J. Brys, Town Clerk