

May 15, 2018

**State of New York**  
County of Fulton  
Town of Oppenheim

Minutes of the Oppenheim Board meeting held on May 15, 2018 at the Oppenheim Town Hall located at 110 Route 331, St. Johnsville, NY 13452.

**Present**

Cynthia Breh	--	Supervisor
Patricia Haberek	--	Councilwoman
Kathleen Montana	--	Councilwoman
Dennis Yost	--	Councilman
John Houle	--	Councilman
Gloria Brys	--	Town Clerk
Scott DeNinno	--	Highway Superintendent

**Absent**

Joanne Capek-Young	--	Bookkeeper
Billie Jo Getman	--	Dog Control Officer
Dave Rackmyer	--	Codes Enforcement Officer

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

**Fulton County Undersheriff Daniel Izzo**

Mr. Izzo was present to talk about the Sheriff's Department. Mr. Izzo is a former U.S. Navy Seal. He served 28 years retiring as a Master Chief having completed a dozen major deployments to a variety of countries including, Afghanistan, Iraq, Kuwait, Bosnia-Herzegovina and Liberia. He earned over 45 combined service awards including two Bronze Star Medals. In 1999, he was selected as the Navy Seal of the Year.

**Public Hearing**

Supervisor Breh opened the public Hearing on the Smoking Policy which will become Local Law #1 of 2018. Anyone present may speak for or against the policy.

**Bookkeepers Report**

Joanne Capek-Young was absent but had a written report for the board members  
Patricia Haberek made a motion to accept the Bookkeepers Report and Dennis Yost seconded it and all board members were in favor.

May 15, 2018 (cont)

### **Dog Control Officer**

Billie Jo Getman was absent but had a report for April and May for the board members.

Dennis Yost made a motion to accept the Dog Control Officers Report and Kathleen Montana seconded it and all board members were in favor.

### **Codes Enforcement Officer**

Dave Rackmyer was absent but had a report for the board members of the calls that he answered.

Mr. Rackmyer has completed 8 hours of code training towards his required 24 hours annually. He is also checking on some sheds that have been built in the town to see if they got a permit and will report back to the board.

John Houle made a motion to accept the Codes Enforcement Officers report and Patricia Haberek seconded it and all board members were in favor.

### **Highway Report**

Mr. DeNinno stated that all of the equipment is fixed.

The Highway Department has cleaned all of the trees out of the cemeteries and they will start mowing next week. Mr. DeNinno stated that the cold patching is almost completed but there is a lot of ditching to do.

Mr. DeNinno said that at the next meeting he will be changing the Agreement for the Expenditure of Highway Moneys

As far as the salt shed, we will get \$4,218.00 from the insurance company. The quote to replace the ends is \$4,800.00 and to replace the whole shed it will be \$10,400.00.

Supervisor Breh asked Mr. DeNinno to get a quote for the cost of a shed including cement blocks.

John Houle made a motion to accept the Highway report and Patricia Haberek seconded it and all board members were in favor.

### **Town Clerks Report**

Town Clerk Brys gave the board members a monthly report.

Dennis Yost made a motion to accept the Town Clerks Report and Patricia Haberek seconded it and all board members were in favor.

### **Cemeteries**

John Houle said that we mow 13 cemeteries. He stated that Cheryl Lynch has got some information about the cemeteries that she is going to give to him.

Patricia Haberek made a motion to close the public hearing on the Smoking Policy and John Houle seconded it and all board members were in favor.

May 15, 2018 (cont)

**Motions**

Motion made by Patricia Haberek and seconded by Kathleen Montana to accept Local Law #1 of 2018 which is the Smoking Policy. The Smoking Policy is as follows:

Local Law #1 of 2018 - Town of Oppenheim Smoking Policy

Effective July 24, 2003, the amended New York State Clean Indoor Air Act (Public Health Law, Article 13-E) prohibits smoking in virtually all workplaces, including restaurants and bars. The changes in the Act reflect the state's commitment to ensuring that all workers are protected from secondhand smoke. Localities may continue to adopt and enforce local laws regulating smoking. However, these regulations must be at least as strict as the Clean Indoor Air Act.

The Town of Oppenheim maintains smoke- and tobacco-free property for the Town of Oppenheim Town Hall /property and the Town of Oppenheim Highway Building / property. No smoking or other use of tobacco products (including, but not limited to, cigarettes, pipes, cigars, snuff, or chewing tobacco) is permitted by elected officials, appointed officials, employees, and visitors in any part of the buildings owned, leased, or rented by the Town of Oppenheim.

The Town of Oppenheim highway employees may smoke inside their privately owned vehicles during breaks. When smoking or otherwise using tobacco products inside privately owned vehicles, do not leave cigarette butts or other traces of litter or tobacco use on the ground or anywhere else. No additional breaks beyond those allowed under the Town of Oppenheim's break policy may be taken for the purpose of using tobacco or similar products.

All Town of Oppenheim employees are expected to abide by this policy in all respects while at work on Town of Oppenheim property. Being permitted to use tobacco products in your privately owned vehicle during breaks is a privilege, if that privilege is abused, it may be withdrawn altogether.

Disciplinary Consequences:

We expect employees to respect this policy and their colleagues. We'll take disciplinary action towards employees who disregard this policy:

Employees who violate this policy or cause severe problems (e.g. fires) may face consequences up to and including termination.

1. Verbal warning
2. Written warning
3. Termination

Adopted

Ayes - 5 Haberek, Montana, Yost, Houle, Breh

Nays - 0

May 15, 2018 (cont)

Motion made by Patricia Haberek and seconded by Kathleen Montana to amend the bid for fuel oil, diesel fuel and gasoline that was awarded to Shepard Oil Company. It was determined that they were not the lowest bidder.

Adopted

Ayes - 5 Haberek, Montana, Yost, Houle, Breh

Nays - 0

Motion made by Patricia Haberek and seconded by Kathleen Montana to accept the bid from Mirabito for fuel oil, diesel fuel and gasoline

Adopted

Ayes - 5 Haberek, Montana, Yost, Houle, Breh

Nays - 0

#### **Approval of Minutes**

Motion made by John Houle and seconded by Patricia Haberek to accept the minutes of April 17, 2018.

Adopted

Ayes - 5 Houle, Haberek, Montana, Yost, Breh

Nays - 0

#### **Executive Session**

Patricia Haberek made a motion to have an executive session at 8:05 pm on legal matters and Dennis Yost seconded it and all board members were in favor.

John Houle made a motion to call the meeting back to order at 8:35 pm and Dennis Yost seconded it and all board members were in favor.

Motion made by Patricia Haberek and seconded by Dennis Yost to authorize payment of the vouchers.

Adopted

Ayes – 5 Haberek, Houle, Yost, Montana, Breh

Nays - 0

#### **Shared Services**

Supervisor Breh stated that the town can go with shared services for LED street lights. The board members agreed so Supervisor Breh will let the County know.

With no further business on a motion by Councilwoman Haberek and seconded by Councilman Yost the meeting was adjourned at 8:40 pm

Respectfully submitted,  
Gloria J. Brys, Town Clerk