

August 21, 2018

State of New York

County of Fulton

Town of Oppenheim

Minutes of the Oppenheim Board meeting held on August 21, 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
John Houle	--	Councilman
Gloria Brys	--	Town Clerk
Brian Miller	--	Deputy Highway Superintendent

Absent

Dennis Yost	--	Councilman
Scott DeNinno	--	Highway Superintendent
Joanne Capek-Young	--	Bookkeeper
Billie Jo Getman	--	Dog Control Officer
Dave Rackmyre	--	Codes Enforcement Officer

Supervisor Cynthia Breh called the regular 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 Law #2 of 2018 which is Notifications of Defects. Anyone present may speak for or against the Local Law.

Bookkeepers Report

Joanne Capek-Young was absent but had a written report for the board members
Budget requests forms were handed out and have to be returned to the Supervisor by September 10, 2018.

Patricia Haberek made a motion to accept the Bookkeepers Report and Kathleen Montana seconded it and John Houle was in favor.

Dog Control Officer

Billie Jo Getman was absent but had a written report for the board members.
Patricia Haberek made a motion to accept the Dog control Officers report and John Houle seconded it and Kathleen Montana was in favor.

August 21, 2018 (cont)

Codes Enforcement Officer

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

The Solar Project on Cohwy 151 has been issued their Certificate of Completion.

Mr. Rachmyre has requested that the building permit application be put on the website. Supervisor Breh said she would take care of it.

The year to date permit fee is \$1,673.60

John Houle made a motion to accept the Codes Enforcement Officers report and Patricia Haberek seconded it and Kathleen Montana was in favor.

Highway Report

Superintendent DeNiinno was absent but had a written report for the board members. Deputy Superintendent Brian Miller was present.

The highway employees have been cutting shoulders and hauling sand and have completed shoulders on the North and West ends of the town, and have begun the South and East ends.

All winter sand has been brought in but the salt was not mixed with the sand this year to stop some of the salt leaching that has been experienced in the past.

The excavator was broke down for most of the month, but it has been fixed.

CHIPS paperwork for reimbursement for September has been submitted and the total is \$168,490.02. There will be an additional reimbursement in December for \$30,276.58. The total for CHIPS is \$198,766.60.

The bid for the 1993 White GMS dump truck that was listed with auctions international was \$3,450.00. Mr. DeNinno's recommendation is that the town accepts the bid.

The salt shed work can hopefully begin in the next week. Seeing the excavator was broke down it put the highway department back in getting the cement barrier walls changed out and this must be completed before the replacement of the end walls can begin.

Kathleen Montana made a motion to accept the Highway report and John Houle seconded it and Patricia Haberek was in favor.

Town Clerks Report

Town Clerk Brys gave the board members a monthly report.

Patricia Haberek made a motion to accept the Town Clerks Report and Kathleen Montana seconded it and Dennis Yost was in favor.

Supervisor

Supervisor Breh asked Brian Miller if the Highway employees could paint the town hall and he said he didn't see a problem.

Supervisor Breh also stated that all departments need to make their own copies of their reports and all vouchers need to be in by the Monday before the meeting.

August 21, 2018 (cont)

Supervisor

Supervisor Breh stated that Judge Stone has requested to hire a clerk for the court so it will have to be put in the budget.

Supervisor Breh stated that the equalization rate is 51.4 and this will affect the solar Payments.

Hilltop Fire Company

The Hilltop Fire Company handed in a report of the calls they answered for the months of June and July.

Supervisor Breh closed the public Hearing at 7:10 pm

Motions

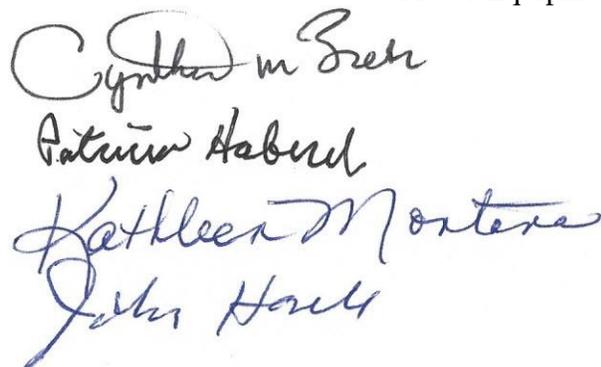
Motion made by Kathleen Montana and seconded by John Houle to accept Resolution #47 which recognizes Teamsters Local 294 as the Taylor Law representative. The resolution is As follows:

Resolution #47

BE IT RESOLVED that in accordance with the New York State Public Employment Relations Board decision dated July 20, 2018, the Town of Oppenheim ("Town") voluntarily recognizes Teamsters Local 294 ("Teamsters") as the Taylor Law representative for the titles set forth below and employed by the Town. The term and conditions of employment currently enjoyed by the employees in these titles will remain status quo, until and unless there is a negotiated change through collective bargaining between the Town and the Teamsters

Titles in Unit

Motor Equipment Operator, Laborer



Adopted

Ayes - 4 Montana, Houle, Haberek, Breh

Absent - Yost

August 21, 2018 (cont)

Motion made by John Houle and seconded by Kathleen to pass Local Law #2 of 2018 which is Notification of Defects. The local law is as follows:

LOCAL LAW #2 OF 2018

TOWN OF OPPENHEIM

Notification of Defects Local Law

Section I: It is the intention of the Town Board to protect the health and safety of the community by requiring actual written notice of defective and hazardous conditions existing on town-owned or maintained properties. The receipt of actual written notice will enhance the town's ability to remedy dangerous conditions on all properties under the management and care of town personnel in an expeditious and safe manner.

Section II: Be it enacted by the Town Board of Oppenheim that no civil action shall be maintained against any town or town superintendent of highways for damages or injuries to person or property sustained by reason of any highway, street, crosswalk, bridge, culvert being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous or obstructed condition of such highway, street, crosswalk, bridge or culvert was actually given to the town clerk or town superintendent of highways, and that there was a failure or neglect within a reasonable time after the giving of such notice to repair or remove the defect, danger or obstruction complained of, nor such action shall be maintained for damages or injuries to person or property sustained solely in consequence of the existence of snow or ice upon any highway, street, crosswalk, bridge or culvert, unless written notice thereof, specifying the particular place, was actually given to the town clerk or town superintendent of highways and there was a failure or neglect to cause such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section III: No civil action shall be maintained against any town or town superintendent of highways for damages or injuries to person or property sustained by reason of any defect in its sidewalks or in consequence of the existence of snow or ice upon any of its sidewalks, unless such sidewalks have been constructed or are maintained by the town or the superintendent of highways of the town pursuant to statute, nor shall any action be maintained for damages or injuries to person or property sustained by reason of such defect or in consequence of such

existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the town clerk or to the town superintendent of highways, and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

Section IV: The town superintendent of highways shall transmit in writing to the town clerk within ten days after the receipt thereof all written notices received by him pursuant to this section.

Section V: The town clerk of each town shall keep an indexed record, in a separate book, of all written notices which she shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of an accumulation of ice or snow upon any town highway, street, crosswalk, bridge, culvert or sidewalk, which record shall state the date of receipt of the notice, the nature and location of the condition stated to exist, and the name and address of the person from whom the notice is received. All such written notices shall be indexed according to the location of the alleged defective, unsafe, dangerous or obstructed condition, or the location of accumulated snow or ice. The record of each notice shall be preserved for a period of five years after the date it is receive

Section VI: It is the intent of the Town Board, pursuant to the Municipal Home Rule Law of the State of New York, to supersede such portions of § 65-a of the Town Law of the State of New York. This Local law shall supersede in its application NYS Town Law §65 a, sections 1 and 4.

Section VII: This local law shall take effect immediately upon its filing in the office of the Secretary of State.

Adopted

Ayes 4 - Houle, Montana, Haberek, Breh

Absent - Yost

Motion made by John Houle and seconded by Kathleen Montana to accept the bid of \$3,400.00 for the 1993 white GMC Dump Truck

Adopted

Ayes - 4 Houle, Montana, Haberek, Breh

Absent - Yost

Approval of Minutes

Motion made by Kathleen Montana and seconded by John Houle to accept the minutes of July 17, 2018

Adopted

Ayes - 4 Montana, Houle, Haberek, Breh

Absent - Yost

August 21, 2018 (cont)

Executive Session

John Houle made a motion to have an executive session at 7:30 pm on legal matters and Patricia Haberek seconded it and Kathleen Montana was in favor.

Patricia Haberek made a motion to call the meeting back to order at 8:15 pm and John Houle seconded it and Kathleen Montana was in favor.

Motion made by Patricia Haberek and seconded by John Houle to authorize payment of the vouchers.

Adopted

Ayes – 4 Haberek, Houle, Montana, Breh

Absent - Yost

With no further business on a motion by Councilwoman Haberek and seconded by Councilman Houle the meeting was adjourned at 8:25 pm

Respectfully submitted,
Gloria J. Brys, Town Clerk