

March 19, 2019

State of New York

County of Fulton

Town of Oppenheim

Minutes of the Oppenheim Board meeting held on March 19 , 2019 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
Joanne Capek-Young	--	Bookkeeper

Absent

Dave Rackmyre	--	Codes Enforcement Officer
Ty Stowell	--	Dog Control Officer

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

Supervisor Breh opened the public hearing at 6:30 pm on Local Law #1 Of 2019 which establishes the office of a sole assessor. Anyone present may speak for or against the local law. Town Clerk Brys read the Local Law for everyone that was present.

Supervisor Breh stated that there has been a lot of rumors about the local law. She said that the sole assessor is not going to be located in the Fulton County offices; the sole assessor will be in the town hall in Oppenheim. Also, she stated that they are not going to do a reval. Supervisor Breh said that the Town of Oppenheim has not had 3 certified assessors since 1989.

Assessor Billie-Jo German said that the assessors were not notified of the local law.

Supervisor Breh stated that the public hearing notice was advertised in the Leader-Herald 2 times, posted on the outside bulletin board, posted on the Town of Oppenheim website and she also called each assessor personally to tell them about the local law and if it was passed they could apply for the sole assessor position.

Mrs. Getman stated that the town cannot vote on the local law tonight because it should be put out for public vote.

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Stephan Gray said that the people in town have a right to vote.

Supervisor Breh said that the local law does not have to be put out for public vote. The local law was written by the firm of Girvin & Ferlazzo and it states that the local law is not subject to referendum.

JoAnne Capek-Young stated that this local law has been a long time coming. Our equalization rate will be under 50%, so this is the way to go.

After a heated discussion, John Houle made a motion to close the public hearing at 7:20 pm and Patricia Haberek seconded it and Kathleen Montana and Dennis Yost were in favor.

Bookkeepers Report

Joanne Capek-Young had a written report for the board members.

Patricia Haberek made a motion to accept the Bookkeepers report and Dennis Yost seconded it and Kathleen Montana and John Houle were in favor.

Dog Control Officer

Ty Stowell had a written report for March. He stated that he had to take some dogs to the Brennan Humane Society.

Kathleen Montana made a motion to accept the Dog Control Officers report and John Houle seconded it and Patricia Haberek and Dennis Yost were in favor.

Codes Enforcement Officer

Dave Rackmyre handed in a report of the calls he answered. The year to date fees for permits issued is \$1,440.00.

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

Highway Report

Scott DeNinno stated that since the beginning of the year, they have spent \$120,990.00 for sand, salt, fuel and labor.

Mr. DeNinno said that the loader should be delivered in June.

Warner Road (dirt section), Barker Road (dirt section), Tiedman Road, Beldons Corners Road (dirt section), Wyman Road, Gabryszewski Road and Shulenburg Road will be posted starting April 1, 2019 with a 4-ton limit.

Mr. DeNinno stated that all the employees took a training class and they are all certified in excavation.

Dennis Yost made a motion to accept the Highway Report and Kathleen Montana seconded it and Patricia Haberek and John Houle were in favor.

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Town Clerks Report

Town Clerk Brys presented the monthly report for February. Patricia Haberek made a motion to accept the Town Clerks Report and Dennis Yost seconded it and Kathleen Montana and John Houle were in favor.

Supervisor Breh stated that Jessica Waldorf (New York Power Authority) will be present at the April meeting to discuss the LED lights.

Supervisor Breh said that the town hall has to be handicapped accessible (entrance door and bathroom) or at least a plan or the town can be fined.

Kathleen Montana and Supervisor Breh are going to Latham on April 15, 2019 for Train-The-Trainer seminars on Discrimination & Harassment Complaint/Investigation Process.

Executive session

Patricia Haberek made a motion to have an executive session at 7:55 pm on legal matters and Dennis Yost seconded it and Kathleen Montana and John Houle were in favor.

Patricia Haberek made a motion to open the meeting at 8:10 pm and John Houle seconded it and Kathleen Montana and Dennis Yost were in favor.

Motions

Motion made by Patricia Haberek and seconded by Dennis Yost to allow Deferred Compensation to deduct a percentage in place of a set dollar amount for the Highway Employees.

Adopted

Patricia Haberek – Yes
John Houle – Yes
Kathleen Montana – Yes
Dennis Yost – Yes
Cynthia Breh - Yes

Motion made by Dennis Yost and seconded by Patricia Haberek to accept Resolution #35 which is Local Law #1 of 2019. The local law is as follows:

**TOWN OF OPPENHEIM
LOCAL LAW NO. 1 OF 2019**

**A LOCAL LAW TO ESTABLISH THE OFFICE OF A SINGLE
APPOINTED ASSESSOR PURSUANT TO SECITON 328 OF
THE REAL PROPERTY TAX LAW**

BE IT ENACTED by the Town Board of the Town of Oppenheim as follows:

Section 1 – Legislative Intent.

The legislative intent of this Local Law is to establish the office of a single appointed Assessor pursuant to Real Property Tax Law § 328. It is the intent of this local law to abolish the Board of three elected Assessors in the Town of Oppenheim and to substitute therefore a single appointed Assessor to be appointed pursuant to Real Property Tax Law § 310.

Section 2 – Abolition of Offices of Board of three elected Assessors.

The offices of the three elected Assessors as previously established and continued by the Town of Oppenheim are hereby abolished effective December 31, 2019.

Section 3 – Appointment.

In place and instead of the Board of three elected Assessors, the Town of Oppenheim shall have one single Assessor to be appointed by the Town Board of the Town of Oppenheim. Such initial term of office will be from January 1, 2020, to September 30, 2025.

Section 4 – Term of Office.

The term of office for said appointed assessor shall be six years, with the current term beginning October 1, 2019, and terminating on September 30, 2025.

Section 5 – Qualifications.

The qualifications for the office of appointed Assessor shall be the minimum qualifications and standards set by the State Board of Equalization and Assessment as of the date of appointment to the office.

Section 6 – Local Law Not Subject to Referendum.

This Local Law shall not be subject to a referendum.

Section 7 – Effective Date.

This Local Law shall take effect upon filing with the New York Secretary of State.

Adopted

Dennis Yost – Yes

Patricia Haberek – Yes

Kathleen Montana – Yes

John Houle – Yes

Cynthia Breh - Yes

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Approval of Minutes

Motion made by Patricia Haberek and seconded by John Houle to accept the minutes of February 19, 2019

Adopted

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

Nays - 0

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

Adopted

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

Nays - 0

With no further business on a motion by Councilman Houle and seconded by Councilwoman Haberek the meeting was adjourned at 8:22 pm