

State of New York

April 16, 2024

County of Fulton

Town of Oppenheim

Minutes of the Oppenheim Town Board meeting held on April 16, 2024 held at the Oppenheim Town Hall located at 110 State Highway 331, St. Johnsville. NY 13452

Present

Cynthia Breh	--	Supervisor
Kathleen Montana	--	Councilwoman
Nicholas Vasil	--	Councilman
Robert Norris	--	Councilman
Brian Miller	--	Councilman
Gloria Brys	--	Town Clerk
Joanne Young	--	Bookkeeper

Absent

Scott DeNinno	--	Highway Superintendent
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Supervisor Cynthia Breh called the meeting to order at 6:30 pm with the Pledge to the Flag.

Residents in attendance - 6

Public Comment - 6:31 pm

Leigh Ann Loucks stated that the minutes of a meeting has to be done for the public in 14 days and marked "Draft"

Opening of bids

There were 2 bids for gasoline and diesel fuel.

Mirabito, Binghamton - Diesel Fuel	-	Flutuating Price - \$3.1535
		Firm Price - \$3.3549
Winter Blend	-	Fluctuating Price - \$3.7096
		Firm Price - \$3.9549
Gasoline	-	Fluctuating Price - \$2.9614
		Firm Price - No Bid

Buell Fuels, Deansboro - Diesel Fuel	-	Fluctuating Price - \$2.7845
		Fixed Net Price - \$3.0239
Winter Blend	-	Fluctuating Price - \$2.9360
		Fixed Net Price - \$3.2139
Gasoline	-	Fluctuating Price - \$2.4452
		Fixed Net Price - No Bid

April 16, 2024 (cont)

Signing of Highway Vouchers

Per the Attorney, Town Clerk Brys stated that Brian Miller should not sign the highway vouchers.

Appointment for Deputy Highway Superintendent

Brian Miller was appointed as Deputy Highway Superintendent by Scott DeNinno on February 15, 2024 through an email sent to the bookkeeper. He was then appointed at the March 19, 2024 meeting by Scott DeNinno.

Joanne Young (bookkeeper) stated that he needs to take the oath of office within 30 days. She said that if he doesn't take the oath of office then we do not have a Deputy. When he takes the oath of office then we can pay him for the position.

The question was do we use February 15, 2024 or March 19, 2024 for the appointment date.

Robert Norris said that we should use February 15th as the appointment date for Brian Miller as Deputy Highway Superintendent.

Joanne Young said that Brian did not take the oath of office within 30 days.

Brian Miller said that he has never taken an oath of office for Deputy Highway Superintendent.

Joanne said yes he did.

Robert Norris said that Mayfield Deputy Superintendent does not take the oath of office.

Supervisor Breh provided documentation that Mayfield Deputy Superintendent does take the oath of office.

After a lengthy discussion it was decided to use February 15th.

Robert Norris made a motion to use February 15, 2024 as the appointment date of Brian Miller as Deputy Highway Superintendent and Kathleen Montana seconded it

Adopted

Robert Norris - Yes

Kathleen Montana - Yes

Nicholas Vasil - Yes

Robert Norris recommends that we pay Brian Miller as the Deputy Highway Superintendent and Kathleen Montana seconded it

Robert Norris - Yes

Kathleen Montana - Yes

Nicholas Vasil - No

Supervisor Breh - No

The vote was 2 for Yes and 2 for No so it was not a majority.

April 16, 2024 (cont)

Highway report

Truck 4 has returned from Utica Mack. It was taken to Winkler Service for power steering repair to be completed.

Plow equipment has been removed from most of the fleet to allow to begin hauling as well as to allow for sweeping of roads with truck 2.

Carver has begun hauling in millings for this years paving work.

The entire workforce recently completed MSHA safety training in Meco.

Annual OSHA/PESH training is scheduled for 4/25 in Mayfield.

We have begun hauling in crusher run for grading of dirt roads once they have dried out.

Sweeping of roads to remove sand was started this week and should be completed town-wide within two weeks.

The weight posting signs have been placed on Lotville Road between Sweet Hill Road and King Road to limit loads on the bridge.

Mr. DeNinno has received a proposal from AS Bell Engineering for design and repair estimates on the Lotville Road bridge. The proposal is for \$14,000 for design, estimates and load rating. Actual repair costs would be in addition to this. This engineering expense will be funded from General Highway Repair budget.

There is no new information from Countryman Water Conditioning regarding the water treatment system.

Mr. DeNinno is recommending that we sell our backup loader at auction. It doesn't get used enough to justify its existence here. Every time we use it, I fear it will breakdown and will require repairs just to offer it for sale. In occasional instances where we need two loaders, we can rent one. Mr. DeNinno said he would ask that any revenue generated from its sale would be put towards the purchase of a forestry cutter head for our excavator. This unit would allow for more efficient clearing of right-of-ways due to extended reach and elevation capability.

Motion made by Nicholas Vasil and seconded by Robert Norris to accept the Highway Report minus the proposal from AS Bell Engineering and Kathleen Montana and Supervisor Breh were in favor.

Dog Control Officer

The dog control officer had no report.

Codes Enforcement Officer

Dave Rackmyre submitted a report for the board members.

He issued 3 new permits.

He reviewed and approved a subdivision in compliance with our local law and letter was sent to the owner.

Robert Norris made a motion to accept the Code Enforcement Officers report and Nicholas Vasil seconded it and Kathleen Montana, Brian Miller and Supervisor Breh were in favor.

April 16, 2024 (cont)

Bookkeepers Report

Joanne Capek-Young submitted a report for the board members.

She wanted to know why we tabled the resolution for the Debt Service Reserve Fund and the Machinery and Equipment Reserve Fund. We will be needing that money to pay our balloon payment.

Katheen Montana made a motion to accept the Bookkeepers report and Robert Norris seconded it and Nickolas Vasil, Brian Miller and Supervisor Breh were in favor.

Town Clerks Report

Town Clerk Brys presented the report for March 2024.

Robert Norris made a motion to accept the town clerks report and Nicholas Vasil seconded it and Kathleen Montana, Brian Miller and Supervisor Breh were in favor.

Supervisor Report

Supervisor Breh wanted to know who has taken classes for elected officials through NYMIR or the State. All board members said they have not.

Supervisor Breh said that as far as the Workplace Violence Class and Harassment Discrimination Class that needs to be taken every year, it has to be taken in your town. It cannot be taken where you work or any where else.

She stated that we need to get the ARPA money in place by the end of April or we will have to pay it back

Land across from the town hall

Nicholas Vasil said that he offered \$9,000 for the land.

Kathleen Montana said she will call him to see if he will take \$9,000.

Repairs to the existing town hall

Supervisor Breh said she would contact Darrin Romeyn to have an estimate on the town hall site and the land across the road.

Robert Norris made a motion to have the Supervisor contact Darrin Romeyn concerning the town hall and Nicholas Vasil seconded it and Kathleen Montana and Brian Miller were in favor.

New Business

Security Cameras

Robert Norris wanted to know about the board member having access to the security cameras. Supervisor Breh said that she does not have a password for the cameras. Brian Miller said that Ty Stowell said that he gave the password to the Supervisor. Supervisor Breh said that she has never logged into the cameras at the town hall.

Time Clock

Robert Norris said should we keep the one we have now. Is it Ok being in Scott DeNinno's office.

Supervisor Breh said no comment

April 16, 2024 (cont)

Contacting Town Attorney

Town Clerk Brys said she contacted the Attorney regarding the call on last months invoice and the Attorney said that Nicholas Vasil called.

Robert Norris wanted to know why he called if he did not have approval from the board members. Nicholas Vasil said that the Supervisor had him call and she has more authority. Robert Norris said she has no more authority than any board member.

Robert Norris said that we will let this pass this time but in the future you need board approval before calling the Attorney.

Supervisor Breh said no comment.

Janitorial for town hall

Brian Miller said that the lady cleaning the town hall is bringing her grandchildren with her and if anyone sees that then we could have a problem.

Supervisor Breh said she would call her to tell her not to bring kids.

Monthly Statement from Supervisor

Robert Norris said that in the town law book it says that at the end of every month the supervisor must provide the town board with a detailed statement of all money received and disbursed for the month and must file a copy with the town clerk.

Joanne Young said that everything is on the report that she does every month. Robert Norris said it does not show what was paid or received. Joanne Young stated that the board members sign the vouchers every month.

It was decided that after the invoices are paid, a copy of the abstract with check numbers will be given to each board member which will show what was paid out.

Bid for Gasoline and Diesel Fuel

Robert Norris made a motion to accept the bid for gasoline and diesel fuel from Buell Fuel and Nicholas Vasil seconded it

Adopted

Robert Norris - Yes

Nicholas Vasil - Yes

Kathleen Montana - Yes

Supervisor Breh - Yes

Brian Miller - Abstain

Approval of Minutes

Motion made by Robert Norris and seconded by Brian Miller to accept the minutes of March 19, 2024

Adopted

Ayes - 4 Norris, Miller, Vasil, Montana, Breh

Nays - 0

April 16, 2024 (cont)

Motions

Motion made by Brian Miller and seconded by Robert Norris to transfer the following money:

To A1330.4 - Tax Collector C/E \$500.00
From A1330.2 - Tax Collector Equipment \$500.00

Adopted

Brian Miller - Yes
Robert Norris - Yes
Kathleen Montana - Yes
Nicholas Vasil - Yes
Supervisor Breh - Yes

Kathleen Montana mad a motion to accept Resolution #43 for the Highway Debt Service Fund and Nicholas Vasil seconded it. Resolution is as follows:

Town of Oppenheim
04.16.2024 Corrective Action Plan
Establishing a Highway Debt Service Reserve Fund
Resolution of 01.01.2020
Resolution #43

Resolved, pursuant to Section 6-c of the General Municipal Law, as amended there is hereby established a debt service reserve fund to be known as the Highway Debt Service Reserve Fund. The purpose of this reserve fund is to accumulate money to finance the cost of debt services and balloon payments. The specific items to be financed from the reserve fund are debt services & balloon payments.

Except as otherwise provided by law, expenditures from this reserve fund shall be made only for the purpose for which the Reserve Fund was established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions proceedings as may be required by Section 6-c of the General Law and any other law.

Adopted

Kathleen Montana - Yes
Nicholas Vasil - Yes
Robert Norris - No
Supervisor Breh - Yes
Brian Miller - Abstain

April 16, 2024 (cont)

Kathleen Montana made a motion to accept Resolution #44 for the Highway Machinery & Equipment Reserve Fund and Nicholas Vasil seconded it. The resolution is as follows:

Town of Oppenheim

04.16.2024 Corrective Action Plan

Establishing a Highway Machinery & Equipment Reserve Fund

Resolution of 01.01.2020

Resolution #44

Resolved, that pursuant to Section 6-c of the General Municipal Law, as amended there is hereby established a machinery & equipment reserve fund to be known as the Highway Machinery & Equipment. The purpose of this reserve fund is to accumulate money to finance the cost of highway machinery & equipment. The specific items to be financed from the reserve fund are machinery & equipment.

Except as otherwise provided by law, expenditures from this reserve fund shall be made only for the purpose for which the Reserve Fund was established. No expenditure shall be made from this Reserve Fund without the approval of this governing board and such additional actions proceedings as may be required by Section 6-c of the General Municipal Law and any other law.

Adopted

Kathleen Montana - Yes

Nicholas Vasil - Yes

Robert Norris - No

Supervisor Breh - Yes

Brian Miller - Abstain

Motion made by Kathleen Montana and seconded by Nicholas Vasil to leave \$65,000
In the Highway Debt service Fund

Adopted

Kathleen Montana-- Yes

Nicholas Vasil - Yes

Robert Norris - No

Supervisor Breh - Yes

Brian Miller - Abstain

April 16, 2024 (cont)

Motion made by Nicholas Vasil and seconded Kathleen Montana to authorize payment of vouchers. The total for the General Vouchers is \$12,437.54 and the total for the Highway Vouchers is \$148,304.13.

Adopted

Ayes - 5 Vasil, Montana, Norris, Miller, Breh

Nays - 0

With no further business on a motion by Brian Miller and seconded by Nicholas Vasil the meeting was adjourned at 9:28 pm.

Respectfully submitted

Gloria J. Brys