

February 20, 2018

State of New York  
County of Fulton  
Town of Oppenheim

Minutes of the Oppenheim Regular Board meeting held on February 20, 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 meeting to order at 6:30 pm with the Pledge to the Flag.

**Sharon Decker – resident on Sweet Hill Road**

Sharon Decker stated that she has dogs coming over on her property all the time. She has called Billie Jo Getman, the Dog Control Officer but she never shows up about the complaint.

Supervisor Breh said that she has been to Mrs. Decker's house and has asked her if she wanted to file a complaint. She said that if she does not file a complaint then there is nothing anyone can do. Supervisor Breh stated that the board will have a talk with the dog control officer.

**Borrego Solar Company**

Dave Albrecht was present and stated that in June 2017, they were granted a variance for the South Project to have the height requirements for the panels to go from 8 feet to 9 feet 6 inches. At that time they did not think that the North project needed to have a variance, but now they are asking the board for a variance for the North project.

**Bookkeepers Report**

Joanne Capek-Young was absent but had a written report for the board members She stated that we need to transfer money from one account to another.

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

February 20, 2018(cont)

**Dog Control Officer**

Billie Jo Getman was absent and did not have a report.

**Codes Enforcement Officer**

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

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

**Oath of Office**

Town Clerk Brys ask Scott DeNinno why he and Brian Miller who was appointed Deputy Superintendent went to the clerk in Johnstown to take the oath of office. His reply was that they wanted to get it done.

Clerk Brys said that she called the Association of Towns and was told that if the Johnstown Clerk was a notary then she could do his oath of office but a copy has to be sent to the Town of Oppenheim by January 30<sup>th</sup>. Seeing that Clerk Brys never received a copy then the oath taking was not valid.

Superintendent DeNinno came into the town hall on February 1<sup>st</sup>, so the clerk told him that he needed to take the oath of office and that Brian Miller who was appointed the deputy also needed to take the oath of office. Clerk Brys gave the oath of Office to Superintendent DeNinno.

Clerk Brys then explained that after January 30<sup>th</sup> if the oath of office has not been taken then the position becomes vacant and then it is an appointed position. The Association of Towns said that it is up to the board members if they want to accept the February 1<sup>st</sup> oath of office.

As for the Deputy Superintendent Brian Miller, he has to be reappointed and then take the oath of office

Town Clerk Brys stated that in her 24 years of being town clerk this is the first time that an Elected official or an appointed person has ever gone somewhere else to take their oath of office.

Superintendent DeNinno appointed Brian Miller as Deputy Superintendent.

Town Clerk Brys gave the oath of office to Deputy Superintendent Brian Miller.

John Houle made the motion to accept the February 1, 2018 oath of office from Superintendent DeNinno and Patricia Haberek seconded it

Approved

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

Nays – 0

February 20, 2018 (cont)

### **Highway Report**

Scott DeNinno stated that the heating system in the highway department is completed.

Mr. DeNinno said that the highway employees want the board members to reconsider opting out of the Medical Leave Act.

Supervisor Breh said at this time she wants to table it.

Mr. DeNinno stated that we will probably have to put diesel fuel out for bids. He stated some of the prices for the state bid. Supervisor Breh said that she would check on the County prices.

Supervisor Breh stated that she called Mirabito and their mixture for the town is 80/20 until December 1<sup>st</sup> and then 60/40 after December 1<sup>st</sup>.

Supervisor Breh said that some elected people are getting salt from the town and it has to stop. The sand is free but the salt is not free and anyone taking the salt is stealing from the town.

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

### **Supervisor**

Supervisor Breh stated that Stratford is willing to do shared dog services

She said that we need to get another assessor

She stated that as far as the speed limit on Mill road, she does not think it will be approved.

Supervisor Breh presented a proposal from C&J Heating for a boiler for the town hall. The total price is \$6,000.00 which includes labor, materials and the removal of old equipment. Also, to remove the piping in the entrance way to the shop area (that continues to freeze) and replace it inside of the office where it should be and to install hydronic antifreeze so the system does not freeze.

### **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 Dennis Yost seconded it and all board members were in favor.

### **Street Light**

Patricia Haberek was concerned about the street light on the corner of Route 29 and State Highway 331.

Supervisor Breh said that she called and that light was not turned off. She said that it is probably a censor and is supposed to be fixed.

### **Executive Session**

John Houle made a motion to have an executive session at 8:15 pm on personnel and Patricia Haberek seconded and all board members were in favor.

Patricia Haberek made a motion to call the meeting back to order at 9:11 pm and Kathleen Montana seconded and all board members were in favor

February 20, 2018(cont)

**Motions**

Motion made by Patricia Haberek and seconded by John Houle to give the Borrego Solar Energy North Project a variance for the height requirement to allow for the installation of solar panels to a height of 9'6" in excess of the 8' limitation required under Solar Law.

Approved

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

Nays – 0

Motion made by Dennis Yost and seconded by Patricia Haberek to purchase propane from A-Tech Heating.

Approved

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

Nays - 0

Motion made by Patricia Haberek and seconded by Kathleen Montana to advertise in the Leader-Herald for applications for the assessor position.

Approved

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

Nays - 0

Motion made John Houle and seconded by Patricia Haberek to make the following transfers to the 2017 Budget

To: DB5110.4 General Repairs C/E - \$1,200.00

From: DB9060.8 Health Ins

To: DA5142.4 Snow Removal C/E - \$70.00

From DA5130.4 Machinery C/E

Approved

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

Nays - 0

Motion made by Patricia Haberek and seconded by Kathleen Montana to have C&J Heating of, Dolgeville, NY install a new boiler in the town hall for a total of \$6,000.00 which includes labor and the boiler system

Approved

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

Nays - 0

February 20, 2018(cont)

Motion made by Patricia Haberek and seconded by John Houle to give the key to the Highway Department back to the Supervisor and the Supervisor will lock it in the records room.

Approved

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

Nays - 0

### **Approval of Minutes**

Motion made by Patricia Haberek and seconded by Kathleen Montana to accept the minutes of January 16, 2018.

Approved

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

Nays - 0

### **Executive Session**

Dennis Yost made a motion to have an executive session at 9:40 pm on personnel and Kathleen Montana seconded it and all board members were in favor.

Patricia Haberek made a motion to call the meeting back to order at 9:45 pm and John Houle seconded it and all board members were in favor.

Motion made by Patricia Haberek and seconded by Kathleen Montana to authorize payment of the vouchers.

Adopted

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

Nays - 0

### **Special Meeting**

There were 3 letters of interest for the position of Codes Enforcement Officer.

There will be a special meeting on Monday, March 12, 2018 at 6:00 pm to interview the candidates for the Codes Enforcement Officers position.

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