

March 20, 2018

State of New York
County of Fulton
Town of Oppenheim

Minutes of the Oppenheim Special Board meeting held on March 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

Supervisor Cynthia Breh called the meeting to order at 6:00 pm with the Pledge to the Flag.

The meeting was to interview Dave Rackmyer for Codes Enforcement Officer. The other 2 applicants, Cliff Dorrough and Norman Wright were interviewed on March 12, 2018.

Motion made by Dennis Yost and seconded by John Houle to adjourn the meeting at 6:25 pm

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

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

March 20, 2018 (cont)

Bookkeepers Report

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

Dog Control Officer

Billie Jo Getman was absent but had a report for February and March for the board members. She was very busy with calls and also writing tickets.

John Houle made a motion to accept the Dog Control Officers Report and Patricia Haberek 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.

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

Highway Report

Scott DeNinno stated that the Highway employees are working 10 hour days. He said that the hydraulic on the new truck is fixed. Also, steel stairs have been installed for the fuel tank.

Mr. DeNinno stated that all the highway employees are maxed out for comp time. He recommends that the town board members raise the comp time to 80 hours.

All board members agreed to raise the comp time to 80 hours.

Kelly Wintermute who lives on Lotville road has a day care business and has asked to have signs put up for children at play because she takes the children for walks.

Mr. DeNinno said that he would put up the signs.

It was stated that the #2 fuel, gasoline, and diesel fuel needs to be put out for bids. The town clerk will put a legal notice in the paper for bids for the April meeting.

Town Clerk Brys asked if the roads need to be posted and Mr. DeNinno said the clerk can put an article in the paper posting the roads starting April 1, 2018.

Kathleen Montana 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.

John Houle made a motion to accept the Town Clerks Report and Kathleen Montana seconded it and all board members were in favor.

March 20, 2018 (cont)

Hilltop Volunteer Fire Company

The Hilltop Volunteer Fire Company sent reports of the calls for December 2017, and January and February 2018.

Cemeteries

John Houle said that he is making a book for each cemetery

Furnace

Supervisor Breh stated that NYMIR has reported the town and now there is going to be an inspection. She stated that they can close the doors on the town if we don't pass on the inspection.

Variance

Lori Ann Youker was present to ask for a variance for the property on the Lotville road which belonged to Bill Youker. Mr. Youker passed away so they want to split the lot into 2 parcels.

Scott DeNinno said that she does not need board approval because less than 5 parcels are being created. The proposed new parcels are exempt from the minimum lot size and road frontage requirements as well, due to the existing parcels pre-dating the local law.

The board members decided to have the town clerk write a letter for Lori Ann Youker stating that she does not need a variance.

Family Leave Act of 2018

The highway employees had asked the board members at the last meeting to opt back in the Family Leave Act but the board members decided not to.

Executive Session

Patricia Haberek made a motion to have an executive session at 7:50 pm on personnel and Dennis Yost seconded it and all board members were in favor.

Patricia Haberek made a motion to call the meeting back to order at 8:20 pm and Kathleen Montana seconded it and all board members were in favor

Motions

Motion made by John Houle and seconded by Patricia Haberek to appoint Dave Rackmyer as the Codes Enforcement Officer with a 6 month probation period.

Adopted

Ayes – 4 Houle, Haberek, Yost, Breh

Nays – 1 Montana

March 20, 2018 (cont)

Motion made by John Houle and seconded by Dennis Yost to accept Resolution #45 to adopt the New York State Deferred Compensation Plan. The resolution is as follows:

Adoption of the State of New York Deferred Compensation Plan

WHEREAS, the Town of Oppenheim wishes to adopt the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions (the "Plan") for voluntary participation of all eligible employees; and

WHEREAS, the Town of Oppenheim is a local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law* and

WHEREAS, the Town of Oppenheim has reviewed the Plan established in accordance with Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law of the State of New York; and

WHEREAS, the purpose of the Plan is to encourage employees to make and continue careers with the Town of Oppenheim by providing eligible employees with a convenient and tax-favored method of saving on a regular and long-term basis and thereby provide for their retirement;

* A local public employer eligible to adopt the Plan pursuant to Section 5 of the State Finance Law includes: a county, city, town, village or other political subdivision as defined in Section 131 of the retirement and Social Security law or civil division of the State; a school district or other governmental entity operating a public school, college, or university; a public improvement or special district, a public authority, commission, or public benefit corporation; or any other public corporation, agency or instrumentality or unit of government which exercises governmental powers under the laws of the State.

NOW, THEREFORE, it is hereby:

RESOLVED, that the Town of Oppenheim hereby adopts the Plan for the voluntary participation of all eligible employees; and it is further

RESOLVED, that the appropriate officials of the Town of Oppenheim are hereby authorized to take such actions and enter such agreements as are required or necessary for the adoption, implementation, and maintenance of the Plan; and it is further

RESOLVED, that the Administrative Services Agency is hereby authorized to file copies of these resolutions and other required documents with the President of the State of New York Civil Service Commission.

Adopted the 20th day of March, 2018 _____, at a meeting of the Town of Oppenheim

March 20, 2018 (cont)

I hereby certify that the Town of Oppenheim is a local public employer within the meaning of Section 5 of the State Finance Law and that the adoption of the Plan has received all required approvals of any local governing body or officer and otherwise complies with local law.

Adopted

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

Nays – 0

Motion made by Patricia Haberek and seconded by Dennis Yost for Resolution #46 which states that if you mail your property taxes to the Tax Collector, then in order to get a receipt returned you need to send a self-addressed stamped envelope.

Adopted

Ayes – 4 Haberek, Yost, Houle, Breh

Nays - 1 Montana

Motion made by Kathleen Montana and seconded by Patricia Haberek to accept the Proclamation Acts of Kindness Week which is as follows:

PROCLAMATION

WHEREAS, the Town of Oppenheim recognizes the importance of simple acts of kindness and how these acts can positively impact the recipient of good deeds; and

WHEREAS, people of any age can display random acts of kindness any time, and for the unselfish purpose of making a difference in the well-being of family, friends and strangers; and

WHEREAS, doing for others is a way we all recognize a common goal to promote and pull together our great Town of Oppenheim; and

WHEREAS, the residents of the Town of Oppenheim are invited to promote kindness and respect, by doing something thoughtful and caring to help brighten someone's day; and

BE IT THEREFORE RESOLVED, the Town of Oppenheim Supervisor and Town Council proclaim April 1-7, 2018, to be

RANDOM ACTS OF KINDNESS WEEK

in the Town of Oppenheim and ask residents of our town to join with us to recognize and perform random acts of kindness.

Signed this 20th day of March, 2018

Adopted

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

Nays - 0

March 20, 2018 (cont)

Motion made by Kathleen Montana and seconded by Dennis Yost to accept Resolution #47 concerning MVP Health Insurance. The resolution is as follows:

CERTIFICATE OF RESOLUTION

The undersigned authorized representative of **Town of Oppenheim** (the Employer) hereby certifies that the following resolutions were duly adopted by the governing body of the Employer on March 20, 2018 and that such resolutions have not been modified or rescinded as of the date hereof:

RESOLVED, that the form of amended and restated Welfare Benefit Plan, effective December 01, 2017, presented to this meeting (and a copy of which is attached hereto) is hereby approved and adopted, and that the proper agents of the Employer are hereby authorized and directed to execute and deliver to the Administrator of said Plan one or more counterparts of the Plan.

RESOLVED, that the Administrator shall be instructed to take such actions that the Administrator deems necessary and proper in order to implement the Plan, and to set up adequate accounting and administrative procedures for the provision of benefits under the Plan.

RESOLVED, that the proper agents of the Employer shall act as soon as possible to notify the employees of the Employer of the adoption of the Plan and to deliver to each employee a copy of the Summary Plan Description of the Plan, which Summary Plan Description is attached hereto and is hereby approved.

The undersigned further certifies that attached hereto as Exhibits, are true copies of Town of Oppenheim's Benefit Plan Document and Summary Plan Description approved and adopted at this meeting.

Town of Oppenheim

Execution Agreement

IN WITNESS WHEREOF, Town of Oppenheim has caused its authorized officer to execute this amended and restated Plan document as of 3/20/18. The same to be effective December 01, 2017, unless otherwise indicated herein

Town of Oppenheim
Cynthia M. Breh - Supervisor

Adopted

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

Nays - 0

Approval of Minutes

Motion made by Patricia Haberek and seconded by Dennis Yost to accept the minutes of February 20, 2018.

Approved

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

Nays - 0

March 20, 2018 (cont)

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

Smoking Resolution

Supervisor Breh stated that she would like to have a resolution regarding the smoking policy for The Town of Oppenheim. After a discussion, it was decided to table it until the next meeting.

With no further business on a motion by Councilman Yost and seconded by Councilman Houle the meeting was adjourned at 8:45 pm